

Daniel H. Qualls, Bar No. 109036
 Robin G. Workman, Bar No. 145810
 QUALLS & WORKMAN, LLP
 244 California Street, Suite 410
 San Francisco, CA 94111
 Telephone: (415) 782-3660
 Facsimile: (415) 788-1028

David Sanford, D.C. Bar No. 457933
 Meenoo Chahbazi, CA Bar No. 233985
 SANFORD, WITTELS & HEISLER, LLP
 1666 Connecticut Avenue, N.W., Suite 310
 Washington, D.C. 20009
 Telephone: (202) 742-7780
 Facsimile: (202) 742-7776

Grant Morris, D.C. Bar No. 926253
 LAW OFFICES OF GRANT E. MORRIS
 1666 Connecticut Avenue, N.W., Suite 310
 Washington, D.C. 20009
 Telephone: (202) 742-7783
 Facsimile: (202) 742-7776

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

SHAVOTNAE GOLDSBY, AND ALL
 OTHERS SIMILARLY SITUATED,

Plaintiff,

vs.

ADECCO, INC, and DOES 1 through 100,
 inclusive,

Defendants.

No. CV 07 5604 MMC

**DECLARATION OF DANIEL H. QUALLS N
 SUPPORT OF PLAINTIFF'S MOTION TO
 COMPEL FURTHER RESPONSES TO
 PLAINTIFF'S FIRST SET OF SPECIAL
 INTERROGATORIES**

**DATE: AUGUST 15, 2008
 TIME: 9:00 A.M.
 CTRM: 7
 JUDGE: HON. MAXINE M. CHESNEY**

I, Daniel H. Qualls, declare as follows:

1. I am an attorney at law, duly licensed to practice before all the courts of the State of California, and am a Partner with the law firm of Qualls & Workman, L.L.P., attorneys of record

1 herein for Plaintiff Shavotnae Goldsby. The following is based on my personal knowledge, and if
2 called upon to do so, I could and would competently testify thereto.

3 2. Attached hereto as Exhibit A is a true and correct copy of Plaintiff's Class Action
4 Complaint in California state court for violations filed on July 26, 2007, along with the Proof of
5 Service.

6 3. On September 4, 2007, Plaintiff served her first sets of special interrogatories on
7 ADECCO, a true and correct copy of which is attached hereto as Exhibit B.

8 4. ADECCO served its responses on November 1, 2007, a true and correct copy of
9 which is attached hereto as Exhibit C.

10 5. On September 10, 2007, Plaintiff served notices seeking to take the depositions of
11 ADECCO's Persons Most Knowledgeable regarding 1) ADECCO policy and procedures
12 regarding issuance of final payroll checks to terminated California employees; 2) ADECCO
13 California meal period break policies; and 3) ADECCO meal period break record keeping
14 practices and procedures. The depositions were noticed to proceed on September 25, 2007.
15 Attached hereto as Exhibit D are true and correct copies of Plaintiff's deposition notices.

16 6. On November 5, 2007, four days after serving its responses, ADECCO removed
17 this case to federal court. Attached hereto as Exhibit E is a true and correct copy of Defendant's
18 Notice of Removal.

19 7. On February 5, 2008, Plaintiff served Fed. R. Civ. P. 30(b)(6) deposition notices
20 seeking the same knowledgeable persons from ADECCO as previously noticed on September 10,
21 2007. Attached hereto as Exhibit F are true and correct copies of Plaintiff's 30(b)(6) deposition
22 notices setting the depositions for March 5, 2008. At ADECCO's request I rescheduled these
23 depositions to occur on May 22, 2008. As the May 22 date approached, ADECCO again
24 requested the depositions be rescheduled for the fourth time.

25 8. This Court entered its Pretrial Scheduling Order on February 15, 2008, setting
26 November 21, 2008 as the non-expert discovery cutoff date. Attached hereto as Exhibit G is a true
27 and correct copy of the Court's Pretrial Scheduling Order.

9. On February 29, 2008, ADECCO'S counsel indicated to me for the first time that the noticed deposition date of March 5, 2008, was unacceptable. The parties agreed to reschedule the deposition date for April 30, 2008, and then rescheduled again to May 22, 2008. As the May 22nd date approached, ADECCO asked to reschedule yet again. Attached hereto as Exhibit H are true and correct copies of emails documenting the rescheduling process.

10. On June 4, 2008, I took the deposition of ADECCO's representative, Kim Hans, Vice President of Operations, Southwest Division on the noticed topics. Attached hereto as Exhibit I are true and correct copies of excerpts of the deposition testimony of Ms. Hans.

11. As required by Fed. R. Civ. P. 37(a)(1) and L.R. 37-1(a), I met and conferred with counsel for ADECCO via telephone on June 20 and 24, 2008, to attempt to resolve the parties' differences regarding production of the putative class members' contact information and the related information Plaintiff requested via interrogatories. These attempts were unsuccessful.

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed July 3, 2008, in San Francisco, California.

/S/

DANIEL H. QUALLS

EXHIBIT A

ENDORSED
FILED
ALAMEDA COUNTY

JUL 26 2007

CLERK OF THE SUPERIOR COURT
BY YASMIN SINGH, Deputy

1 David Sanford, D.C. Bar No. 457933
2 Meenoo Chahbazi, CA Bar No. 233985
3 Angela Corridan, D.C. Bar No. 492978
4 SANFORD, WITTELS & HEISLER, LLP
5 1666 Connecticut Avenue, N.W., Suite 310
6 Washington, D.C. 20009
7 Telephone: (202) 742-7780
8 Facsimile: (202) 742-7776

9 Grant Morris, D.C. Bar No. 926253
10 LAW OFFICES OF GRANT E. MORRIS
11 1666 Connecticut Avenue, N.W., Suite 310
12 Washington, D.C. 20009
13 Telephone: (202) 742-7783
14 Facsimile: (202) 742-7776

15 Daniel H. Qualls, Bar No. 109036
16 Robin G. Workman, Bar No. 145810
17 QUALLS & WORKMAN, LLP
18 244 California Street, Suite 410
19 San Francisco, CA 94111
20 Telephone: (415) 782-3660
21 Facsimile: (415) 788-1028

22 *Attorneys for Plaintiff*

23 SUPERIOR COURT OF THE STATE OF CALIFORNIA
24 FOR THE COUNTY OF ALAMEDA

25 SHAVOTNAE GOLDSBY, AND ALL OTHERS
26 SIMILARLY SITUATED,

27 Plaintiff,

28 vs.

29 ADECCO, INC, and DOES 1 through 100, inclusive,
30 Defendants.

No. RG07337683

CLASS ACTION
COMPLAINT

BY FAX

31 Plaintiff Shavotnae Goldsby ("Goldsby") by her attorneys, brings this action on behalf of
32 herself, all other persons similarly situated and the general public, and hereby alleges as follows:
33

CLASS ACTION COMPLAINT

-1-

PLEADINGS COMPLAINT

PARTIES

1. Plaintiff Shavotnae Goldsby is a California resident and natural person.

2. Plaintiff is informed and believes and on that basis alleges that ADECCO, Inc. (Adecco and/or Defendant) is and at all times material herein mentioned was, a corporation doing business in the State of California and within the County of San Francisco.

3. The names and capacities of defendants sued herein under California Code of Civil Procedure §474 as Does 1 through 100, inclusive, are presently not known to Plaintiff, who therefore sues these defendants by such fictitious names. Plaintiff will seek to amend this Complaint and include these Doe defendants' names and capacities when they are ascertained. Each of the fictitiously named defendants is responsible in some manner for the conduct alleged herein and for the injuries suffered by Plaintiff, the members of the Class and the general public.

4. At all times mentioned in the causes of action alleged herein, each and every defendant was an agent and/or employee of each and every other defendant. In doing the things alleged in the causes of action stated herein, each and every defendant was acting within the course and scope of this agency or employment and was acting with the consent, permission and authorization of each of the remaining defendants. All actions of each defendant as alleged in the causes of action stated herein were ratified and approved by every other defendant or their officers or managing agents.

FACTS APPLICABLE TO ALL CLAIMS

5. Plaintiff incorporates herein by reference each and every allegation set forth in paragraphs 1 through 4 above.

6. This action alleges that Defendant failed to pay its California hourly employees compensation for work without meal break periods in violation of California Labor Code § 226.7 and applicable Industrial Welfare Commission Orders.

7. This action seeks relief for unremedied violations of California law, including, inter alia; damages, and/or restitution, as appropriate, to members of the Class, and to victims of the

1 practices at issue, who have not received compensation for labor provided without meal period
2 breaks, and who have failed to receive accurate itemized statements.

3 8. Goldsby is an adequate and proper class representative. Goldsby brings this action
4 in her individual capacity, on behalf of all others similarly situated, and, pursuant to California
5 Business & Professions Code §17204, on behalf of the general public. Plaintiff Goldsby was
6 employed by ADECCO in California, within the four years preceding the filing of this Complaint,
7 and paid on an hourly basis. While employed by ADECCO, Plaintiff Goldsby was required to
8 work without meal period breaks as defined and required by law. Defendant failed to provide
9 Goldsby, and all other similarly situated ADECCO California employees, with off-duty meal
10 period breaks, compensation for the lack of said breaks, and failed to provide Goldsby and all
11 others similarly situated California employees with an accurate itemized statement.

12 9. Defendants are, and at all relevant times were, employers under applicable
13 California Industrial Welfare Commission Orders.

14 10. This action seeks relief on behalf of a class of persons in the employ of ADECCO
15 in California within four years preceding the filing of this complaint and the present comprised of:
16 persons paid on an hourly basis for whom ADECCO records depict a meal
17 period not taken who did not receive a compensation payment by ADECCO
18 for the lack of said meal period (the Class);

19 11. The class is sufficiently numerous, since it is estimated to include approximately
20 2,000 or more ADECCO employees geographically dispersed throughout California, the joinder of
21 whom in one action is impracticable, and the disposition of whose claims in a class action will
22 provide substantial benefits to both the parties and the Court.

23 12. There is a well-defined community of interest in the questions of law and fact
24 involved affecting the parties to be represented. The questions of law and fact common to the
25 Class predominate over questions that may affect individual class members, including but not
26 limited to the following:

27 (a) whether ADECCO implemented and engaged in a systematic practice
28 whereby it unlawfully failed to provide hourly employees meal period

1 breaks and failed to pay employees for the lack of meal breaks as required
2 by law;

3 (b) whether ADECCO implemented and engaged in a systematic practice
4 whereby it failed to provide accurate itemized statements to California
5 hourly employees;

6 (c) whether the systematic acts and practices of ADECCO as alleged herein
7 violated, inter alia, applicable provisions of the California Labor Code,
8 including but not limited to, Sections 226, 226.7, 512, and 2698, and
9 applicable Industrial Welfare Commission Orders, and California Business
10 & Professions Code § 17200, et seq.

11 13. Because Plaintiff worked on a daily and weekly basis, routinely worked through
12 meal breaks as depicted on ADECCO records for which Plaintiff was not properly compensated
13 and failed to receive timely and accurate itemized statements, Plaintiff is asserting claims that are
14 typical of the claims of the Class.

15 14. Plaintiff will fairly and adequately represent and protect the interests of the Class in
16 that he has no disabling conflict of interest that would be antagonistic to those of the other
17 members of the Class. Plaintiff has retained counsel who are competent and experienced in the
18 prosecution of class action wage and hour violations.

19 15. Because Plaintiff and the members of the Class have all similarly suffered
20 irreparable harm and damages as a result of ADECCO's unlawful and continuously wrongful
21 conduct, including but not limited to ADECCO's systematic failure to provide for meal period
22 breaks, and systematic failure to pay for meal break periods worked, class treatment is especially
23 appropriate. Because the hours worked and employment circumstances by ADECCO employees
24 and class members follow common patterns, all of which are reflected in the records possessed by
25 ADECCO, this action will provide substantial benefits to both. Absent this action, ADECCO's
26 unlawful conduct will continue unremedied and uncorrected.

FIRST CAUSE OF ACTION

(Failure To Provide Meal Period Breaks And Accurate Wage Statements Pursuant To California Labor Code Sections 226, 226.7, 512)

16. Plaintiff Goldsby incorporates by reference the allegations contained in paragraphs 1-15 of this Complaint as if fully set forth herein.

17. During all relevant periods, Defendant illegally and unlawfully required Plaintiff Goldsby and class members to work through meal period breaks.

18. During all relevant periods, both the California Labor Code and the pertinent wage orders required that Plaintiff Goldsby and class members be compensated for the absence of meal period breaks. ADECCO failed to compensate Plaintiff and class members for the lack of meal periods as required by law. Plaintiff and class members are entitled to recover their unpaid compensation arising there from.

19. By unlawfully requiring Plaintiff and class members to work without meal breaks and in failing to properly compensate Plaintiff and class members for the lack of meal periods as alleged herein, ADECCO acted in willful, oppressive and conscious disregard of Plaintiff and class members' statutory and regulatory right to meal periods and compensation.

20. Plaintiff and the other members of the class are therefore entitled to the relief requested below.

SECOND CAUSE OF ACTION

(Unlawful, Unfair And Fraudulent Business Practices Pursuant To Business & Professions Code Sections 17200, et seq.)

21. Plaintiff and class members incorporate by reference the allegations contained in paragraphs 1-20 of this Complaint as if fully set forth herein.

22. Business & Professions Code section 17200, et seq. prohibits acts of unfair competition, which shall mean and include any "unlawful business act or practice."

23. The policies, acts and practices heretofore described were and are an unlawful business act or practice because ADECCO's failure to provide meal period breaks, failure to pay

1 compensation for work without meal period breaks, failure to provide accurate and timely
 2 itemized statements violates applicable Labor Code sections, including but not limited to
 3 California Labor Code §§ 226, 226.7, and 512, applicable Industrial Welfare Commission Wage
 4 Orders, the Labor Code Private Attorney General Act of 2004, Labor Code Section 2698 et. seq.,
 5 and other provisions of California common and/or statutory law. Plaintiff reserves the right to
 6 allege additional statutory and common law violations by Defendants. Such conduct is ongoing to
 7 this date.

8 24. Business & Professions Code §17200, et seq. also prohibits acts of unfair
 9 competition, which shall mean and include any "unfair business act or practice."

10 25. The policies, acts, or practices described herein were and are an unfair business act
 11 or practice because any justifications for ADECCO's illegal and wrongful conduct were and are
 12 vastly outweighed by the harm such conduct caused Plaintiff, class members, and the members of
 13 the general public. Such conduct is ongoing to this date.

14 26. Plaintiff and the other members of the Class are therefore entitled to the relief
 15 requested below.

16 **PRAYER FOR RELIEF**

17 WHEREFORE Plaintiff prays for judgment and relief as follows:

- 18 1. An order certifying that the action may be maintained as a class action;
- 19 2. Compensatory and statutory damages, penalties and restitution, as appropriate and
 20 available under each cause of action, in an amount to be proven at trial based on, inter alia, the
 21 unpaid balance of compensation Defendant owes;
- 22 3. For punitive damages as appropriate and available under each cause of action;
- 23 4. An order enjoining Defendant from pursuing the policies, acts, and practices
 24 complained of herein;
- 25 5. Costs of this suit;
- 26 6. Pre- and post-judgment interest; and
- 27 7. Such other and further relief as the Court deems just and proper.
- 28

JURY DEMAND

Plaintiff hereby demands a trial by jury.

Date: July 26, 2007

QUALLS & WORKMAN, L.L.P.

By: 

Daniel H. Qualls
Attorney for Plaintiff

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): QUALLS & WORKMAN, LLP 244 CALIFORNIA STREET, SUITE #410 SAN FRANCISCO, CA 94111		FOR COURT USE ONLY ENDORSED FILED ALAMEDA COUNTY AUG 28 2007 CLERK OF THE SUPERIOR COURT By KMEL DHILLON Deputy
TELEPHONE NO. (415) 782-3660 FAX NO. (Optional) (415) 788-1028 EMAIL ADDRESS (Optional): ATTORNEY FOR/Name: SHAVOTNAE GOLDSBY, ET AL		
COURT NAME: ALAMEDA SUPERIOR COURT STREET ADDRESS: 1225 FALLON STREET #209 MAILING ADDRESS: CITY AND ZIP CODE: OAKLAND, CA 94612-4293 BRANCH NAME:		
PLAINTIFF/PETITIONER: SHAVOTNAE GOLDSBY, ET AL DEFENDANT/RESPONDENT: ADECCO, INC.		CASE NUMBER: RG07337683
PROOF OF SERVICE SUMMONS		Ref No. or File No. OV238436-01

(Separate proof of service is required for each party served)

1. At the time of service I was at least 18 years of age and not a party to this action.
 2. I served copies of

- a. ☒ summons
 b. ☐ complaint
 c. ☒ Alternative Dispute Resolution (ADR) package
 d. ☒ Civil Case Cover Sheet (served in complex cases only)
 e. ☐ cross-complaint
 f. ☒ other (specify documents):
CLASS ACTION COMPLAINT

BY FAX

3. a. Party served (specify name of party as shown on documents served):
ADECCO, INC.

- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
MARA VELAZCO, CT CORP., AGENT FOR SERVICE OF PROCESS

4. Address where the party was served: **818 WEST SEVENTH ST.
 LOS ANGELES, CA 90017**

5. I served the party (check proper box)

- a. ☒ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): August 17, 2007 (2) at (time): 02:15 pm
 b. ☐ by substituted service On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):

- (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 (3) ☐ (physical address is unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: SHAVUTNAE GOLDSBY, ET AL

DEFENDANT/RESPONDENT: ADECCO, INC.

CASE NUMBER:

RG07337683

- c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid.

(1) on (date):

(2) from (city):

- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* (form 982(a)(4)) and a postage-paid envelope addressed to me. (Attach completed *Notice and Acknowledgment of Receipt* (form 982(a) (Code Civ. Proc., § 415.30.)

- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The Notice to the Person Served (on the summons) was completed as follows:

- a. ☐ as an Individual defendant.
b. ☐ as the person sued under the fictitious name of (specify):

- c. ☐ as occupant.

- d. ☒ On behalf of (specify): ADECCO, INC.

under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: CARLOS CANAS
b. Address: 1891 Goodyear Avenue, Suite 620, Ventura, CA 93003
c. Telephone number: (805) 644-8014
d. The fee for service was: \$ 0.00

e. I am:

- (1) ☐ not a registered California process server.
(2) ☐ exempt from registration under Business and Professions Code section 22350(b).
(3) ☒ registered California process server:
(i) ☐ Owner ☐ employee ☒ independent contractor.
(ii) Registration No.: 4571
(iii) County: LOS ANGELES

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

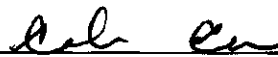
OR

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: August 22, 2007

CARLOS CANAS

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHALL)



(SIGNATURE)

EXHIBIT B

1 David Sanford, D.C. Bar No. 457933
2 Meenoo Chahbazi, CA Bar No. 233985
3 **SANFORD, WITTELS & HEISLER, LLP**
4 1666 Connecticut Avenue, N.W., Suite 310
5 Washington, D.C. 20009
6 Telephone: (202) 742-7780
7 Facsimile: (202) 742-7776

8 Grant Morris, D.C. Bar No. 926253
9 **LAW OFFICES OF GRANT E. MORRIS**
10 1666 Connecticut Avenue, N.W., Suite 310
11 Washington, D.C. 20009
12 Telephone: (202) 742-7783
13 Facsimile: (202) 742-7776

14 Daniel H. Qualls, Bar No. 109036
15 Robin G. Workman, Bar No. 145810
16 **QUALLS & WORKMAN, LLP**
17 244 California Street, Suite 410
18 San Francisco, CA 94111
19 Telephone: (415) 782-3660
20 Facsimile: (415) 788-1028

21 *Attorneys for Plaintiff*

22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000

SHAVOTNAE GOLDSBY, AND ALL OTHERS
SIMILARLY SITUATED,

Plaintiff,

vs.

ADECCO, INC, and DOES 1 through 100, inclusive,

Defendants.

No. RG07337683

**PLAINTIFF SHAVOTNAE
GOLDSBY'S FIRST SET OF SPECIAL
INTERROGATORIES TO
DEFENDANT ADECCO, INC.**

PROPOUNDING PARTY: Plaintiff Shavotnae Goldsby

RESPONDING PARTY: Adecco, Inc.

SET: One

1 Pursuant to California Code of Civil Procedure Section 2030.010, Plaintiff, Shavotnae
2 Goldsby ("GOLDSBY") hereby requests that Defendant Adecco, Inc. ("ADECCO") answer in
3 writing and under oath the following specially prepared interrogatories:
4

5 **SPECIAL INTERROGATORY NO.1:**

6 Identify the name, address, e-mail address AND telephone number of all persons employed
7 by YOU in California July 26, 2003, AND the present paid on an hourly basis for whom
8 ADECCO records depict a meal period not taken. (The terms "YOU," "YOUR" or "YOURS"
9 refer to ADECCO and, if applicable, the agents, employees, officers, and directors of same or of
10 any subsidiary or divisions thereof, and their attorneys and those persons employed by their
11 attorneys.) (As used herein, the term "ALL" is synonymous with "ANY" and the term "OR"
12 means "AND/OR.")

13 **SPECIAL INTERROGATORY NO.2:**

14 Identify the period of employment for each person identified in response to Special
15 Interrogatory No. 1.

16 **SPECIAL INTERROGATORY NO.3:**

17 Identify the number of persons employed by YOU in California between July 26, 2003,
18 AND the present paid on an hourly basis for whom ADECCO records depict a meal period
19 not taken.

20 **SPECIAL INTERROGATORY NO. 4:**

21 Identify ALL persons employed by YOU in California paid on an hourly basis between
22 July 26, 2003, AND the present who complained to YOU REGARDING the absence of meal
23 period breaks. (As used herein, the term "REGARDING" means relating to, referring to,
24 pertaining to, reflecting, substantiating, evidencing, constituting, or in any manner whatsoever
25 logically or factually connected with the matter referenced, whether in whole or in part.)

26 ///

27 ///


28 ///

1 **SPECIAL INTERROGATORY NO. 5:**

2 Identify the number of persons employed by YOU in California between July 26, 2003 and
3 the present, paid on an hourly basis.

4
5 August 27, 2007

QUALLS & WORKMAN, LLP

6
7
8 
9 Daniel H. Qualls
Attorney For Plaintiff

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS) QUALLS & WORKMAN, LLP 244 CALIFORNIA STREET, SUITE #410 SAN FRANCISCO, CA 94111		TELEPHONE NO. (415) 782-3660	FOR COURT USE ONLY	
ATTORNEY FOR (NAME) SHAVOTNAE GOLDSBY, ET AL		REFERENCE NUMBER 0V238571-01		
Insert name of court, judicial district or branch court, if any, and post office and street address SUPERIOR COURT OF CALIFORNIA, OAKLAND DIVISION 600 WASHINGTON STREET OAKLAND, CA 94607				
SHORT NAME OF CASE SHAVOTNAE GOLDSBY, ET AL vs. ADECCO, INC.				
PROOF OF SERVICE	DATE:	TIME:	DEPT/DIV:	CASE NUMBER: RG07337683

I am and was on the dates herein mentioned over the age of eighteen years and not a party to this action;

I served the:

PLAINTIFF SHAVOTNAE GOLDSBY'S FIRST SET OF INSPECTION DEMANDS TO
DEFENDANT ADECCO, INC.; PLAINTIFF SHAVOTNAE GOLDSBY'S FIRST SET OF
SPECIAL INTERROGATORIES TO DEFENDANT ADECCO, INC.

Name: ADECCO, INC.

Person Served: MARGARET WILSON, CT CORP
Title: AGENT FOR SERVICE OF PROCESS

Date of Delivery: 09/04/07
Time of Delivery: 02:25 pm

Place of Service: 818 WEST SEVENTH ST.
LOS ANGELES, CA 90017 (Business)

Manner of Service: Personal Service - By Personally Delivering Copies.

Fee for service: \$ 51.13

JUDICIAL COUNSEL FORM, RULE #982 (A)(23)

☒ Registered: . . . LOS ANGELES . . . County,
Number: . . . 5403 . . .

Attorney's Diversified Services
ATTORNEY'S DIVERSIFIED SERVICES
Fax (805) 658-6336 *sent file # 3153.00*

I declare under penalty of perjury that the foregoing is true and correct
and that this declaration was executed
on: . . . 09/12/07 . . .
at: . . . Ventura . . . , California.

Signature: 
Name: **KEN MELENDEZ**
Title: **REGISTERED CALIFORNIA PROCESS SERVER**

EXHIBIT C

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
A Limited Liability Partnership
2 Including Professional Corporations
CHARLES F. BARKER, Cal. Bar No. 70076
3 ROSS A. BOUGHTON, Cal. Bar No. 241119
333 South Hope Street, 48th Floor
4 Los Angeles, California 90071-1448
Telephone: 213-620-1780
5 Facsimile: 213-620-1398

6 Attorneys for Defendant
ADECCO, INC.
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF ALAMEDA
10

11 SHAVOTNAE GOLDSBY, AND ALL
OTHERS SIMILARLY SITUATED,

12 Plaintiff,
13

14 v.

15 ADECCO, INC., and DOES 1 through
100, inclusive,,
16

Defendants.
17

Case No. RG 07337683

DEFENDANT ADECCO, INC.'S
RESPONSES TO PLAINTIFF
SHAVOTNAE GOLDSBY'S FIRST SET
OF SPECIAL INTERROGATORIES

[Complaint Filed: July 26, 2007]

18 PROPOUNDING PARTY: PLAINTIFF SHAVOTNAE GOLDSBY

19 RESPONDING PARTY: DEFENDANT ADECCO, INC.

20 SET NO.: ONE

21 NUMBERS: 1-5
22
23
24
25
26
27
28

1 Defendant Adecco, Inc. ("Adecco" or "Defendant") hereby objects and
2 otherwise responds to the Plaintiff's Special Interrogatories, propounded by Plaintiff
3 Shavotnae Goldsby (hereinafter "Plaintiff") as follows:

4
5 PRELIMINARY STATEMENT

6 These responses are made solely for the purpose of this action. All
7 objections and grounds are reserved and may be interposed at any time before or at the
8 time of trial.

9
10 Defendant has not yet completed its investigation of the facts relating to this
11 action, its discovery in this action, or its preparations for the defense of this action.
12 Consequently, these responses are given without prejudice to the right of responding party
13 to produce at or before the time of trial any and all subsequently discovered evidence
14 relating to the proof of presently known material facts, and to the proof of subsequently
15 discovered material facts.

16
17 This preliminary statement is incorporated herein by reference to each of the
18 responses below as if stated in full.

19
20 GENERAL OBJECTIONS

21 To the extent that these interrogatories seek information privileged against
22 disclosure by the attorney-client privilege and/or the attorney work-product doctrine or the
23 right to privacy of any third party, Defendant objects to these interrogatories on these
24 grounds.

25
26 RESERVATION OF RIGHT TO SUPPLEMENT OR MODIFY RESPONSES

27 Defendant reserves the right to supplement, modify or correct its responses
28 to these interrogatories, or any part of them, as Defendant acquires additional information

1 in the course of its investigation and discovery in this action. Defendant does not
 2 undertake any duty to supplement these responses other than what is required by the Code
 3 of Civil Procedure.

4
 5 **RESPONSES TO SPECIAL INTERROGATORIES**

6 **SPECIAL INTERROGATORY NO. 1:**

7 Identify the name, address, e-mail address AND telephone number of all
 8 persons employed by YOU in California July 26,2003, AND the present paid on an hourly
 9 basis for whom ADECCO records depict a meal period not taken. (The terms 'YOU,'
 10 "YOUR" or "YOURS" refer to ADECCO and, if applicable, the agents, employees,
 11 officers, and directors of same or of any subsidiary or divisions thereof, and their attorneys
 12 and those persons employed by their attorneys). (As used herein, the term "ALL" is
 13 synonymous with ANY and the term 'OR' means 'AND/OR.'")

14
 15 **RESPONSE TO SPECIAL INTERROGATORY NO. 1:**

16 Defendant objects to this interrogatory on the grounds that it seeks
 17 information which is not relevant to the subject matter involved in the pending action, and
 18 which is not reasonably calculated to lead to the discovery of admissible evidence; that it is
 19 overbroad, burdensome, and oppressive; that it calls for information that is protected by
 20 the right of privacy; that it is compound; that it is vague and ambiguous in that it cannot be
 21 ascertained what is meant by the phrase "depict a meal period not taken;" and that it is
 22 premature in that it seeks information concerning potential class members prior to class
 23 certification.

24
 25 Defendant further objects to this interrogatory on the grounds that it
 26 improperly seeks information pertaining to liability and damages. This case is presently in
 27 the pre-certification discovery phase. Questions pertaining to liability and damages issues
 28 are unduly oppressive, harassing, and burdensome. Plaintiff will have the opportunity to

1 propound discovery on liability and damages issues if the proposes classes are certified.
2 However, if Defendant is subjected to such discovery prior to class certification, it will be
3 forced to incur the burdens of a collective action before it has been determined by the
4 Court that it is appropriate to proceed by way of a collective action.

5
6 **SPECIAL INTERROGATORY NO. 2:**

7 Identify the period of employment for each person identified in response to
8 Special Interrogatory No. 1.

9
10 **RESPONSE TO SPECIAL INTERROGATORY NO. 2:**

11 Defendant objects to this interrogatory on the grounds that it seeks
12 information which is not relevant to the subject matter involved in the pending action, and
13 which is not reasonably calculated to lead to the discovery of admissible evidence; that it is
14 overbroad, burdensome, and oppressive; that it calls for information that is protected by
15 the right of privacy; that it is compound; that it is vague and ambiguous in that it cannot be
16 ascertained what is meant by the phrase "period of employment;" and that it is premature
17 in that it seeks information concerning potential class members prior to class certification.

18
19 Defendant further objects to this interrogatory on the grounds that it
20 improperly seeks information pertaining to liability and damages. This case is presently in
21 the pre-certification discovery phase. Questions pertaining to liability and damages issues
22 are unduly oppressive, harassing, and burdensome. Plaintiff will have the opportunity to
23 propound discovery on liability and damages issues if the proposes classes are certified.
24 However, if Defendant is subjected to such discovery prior to class certification, it will be
25 forced to incur the burdens of a collective action before it has been determined by the
26 Court that it is appropriate to proceed by way of a collective action.

1 **SPECIAL INTERROGATORY NO. 3:**

2 Identify the number of persons employed by YOU in California between
3 July 26, 2003, AND the present paid on an hourly basis for whom ADECCO records
4 depict a meal period not taken.
5

6 **RESPONSE TO SPECIAL INTERROGATORY NO. 3:**

7 Defendant objects to this interrogatory on the grounds that it seeks
8 information which is not relevant to the subject matter involved in the pending action, and
9 which is not reasonably calculated to lead to the discovery of admissible evidence; that it is
10 overbroad, burdensome, and oppressive; that it is vague and ambiguous in that it cannot be
11 ascertained what is meant by the phrase "period of employment;" and that it is premature
12 in that it seeks information concerning potential class members prior to class certification.
13

14 Defendant further objects to this interrogatory on the grounds that it
15 improperly seeks information pertaining to liability and damages. This case is presently in
16 the pre-certification discovery phase. Questions pertaining to liability and damages issues
17 are unduly oppressive, harassing, and burdensome. Plaintiff will have the opportunity to
18 propound discovery on liability and damages issues if the proposes classes are certified.
19 However, if Defendant is subjected to such discovery prior to class certification, it will be
20 forced to incur the burdens of a collective action before it has been determined by the
21 Court that it is appropriate to proceed by way of a collective action.
22

23 Subject to and without waiving these objections, Defendant responds as
24 follows: During a typical month, Adecco has approximately 10,000 employees that are
25 assigned to work for Adecco's clients in California.
26
27
28

1 **SPECIAL INTERROGATORY NO. 4:**

2 Identify ALL persons employed by YOU in California paid on an hourly
3 basis between July 26, 2003, AND the present who complained to YOU REGARDING
4 the absence of meal period breaks. (As used herein, the term "REGARDING" means
5 relating to, referring to, pertaining to, reflecting, substantiating, evidencing, constituting, or
6 in any manner whatsoever logically or factually connected with the matter referenced,
7 whether in whole or in part.)
8

9 **RESPONSE TO SPECIAL INTERROGATORY NO. 4:**

10 Defendant objects to this interrogatory on the grounds that it seeks
11 information which is not relevant to the subject matter involved in the pending action, and
12 which is not reasonably calculated to lead to the discovery of admissible evidence; that it is
13 overbroad, burdensome, and oppressive; that it calls for information that is protected by
14 the right of privacy; that it is vague and ambiguous in that it cannot be ascertained what is
15 meant by the term "complained" and the phrase "absence of meal breaks;" and that it is
16 premature in that it seeks information concerning potential class members prior to class
17 certification.
18

19 Defendant further objects to this interrogatory on the grounds that it
20 improperly seeks information pertaining to liability and damages. This case is presently in
21 the pre-certification discovery phase. Questions pertaining to liability and damages issues
22 are unduly oppressive, harassing, and burdensome. Plaintiff will have the opportunity to
23 propound discovery on liability and damages issues if the proposes classes are certified.
24 However, if Defendant is subjected to such discovery prior to class certification, it will be
25 forced to incur the burdens of a collective action before it has been determined by the
26 Court that it is appropriate to proceed by way of a collective action.
27
28

1 **SPECIAL INTERROGATORY NO. 5:**

2 Identify the number of persons employed by YOU in California between
3 July 26,2003 and the present, paid on an hourly basis.
4

5 **RESPONSE TO SPECIAL INTERROGATORY NO. 5:**

6 Defendant objects to this interrogatory on the grounds that it seeks
7 information which is not relevant to the subject matter involved in the pending action, and
8 which is not reasonably calculated to lead to the discovery of admissible evidence; that it is
9 overbroad, burdensome, and oppressive; that it is vague and ambiguous in that it cannot be
10 ascertained what is meant by the phrase "employed by YOU;" and that it is premature in
11 that it seeks information concerning potential class members prior to class certification.
12

13 Defendant further objects to this interrogatory on the grounds that it
14 improperly seeks information pertaining to liability and damages. This case is presently in
15 the pre-certification discovery phase. Questions pertaining to liability and damages issues
16 are unduly oppressive, harassing, and burdensome. Plaintiff will have the opportunity to
17 propound discovery on liability and damages issues if the proposes classes are certified.
18 However, if Defendant is subjected to such discovery prior to class certification, it will be
19 forced to incur the burdens of a collective action before it has been determined by the
20 Court that it is appropriate to proceed by way of a collective action.
21

22 Subject to and without waiving these objections, Defendant responds as
23 follows: During a typical month, Adecco has approximately 10,000 employees that are
24 assigned to work for Adecco's clients in California.
25
26
27
28

1 Dated: October 3, 2007

2 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

3
4 By



5 CHARLES F. BARKER
6 ROSS A. BOUGHTON
7 Attorneys for Defendant
8 ADECCO, INC.
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

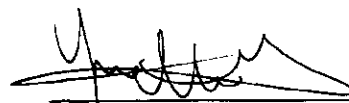
I am employed in the County of Los Angeles; I am over the age of eighteen years and not a party to the within entitled action; my business address is 333 South Hope Street, 48th Floor, Los Angeles, California 90071-1448.

On November 1, 2007, I served the following document(s) described as **DEFENDANT ADECCO, INC.'S RESPONSES TO PLAINTIFF SHAVOTNAE GOLDSBY'S FIRST SET OF SPECIAL INTERROGATORIES** on the interested party(ies) in this action by placing true copies thereof enclosed in sealed envelopes and/or packages addressed as follows:

SEE ATTACHED LIST

- ☒ **BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- ☐ **BY OVERNIGHT DELIVERY:** I served such envelope or package to be delivered on the same day to an authorized courier or driver authorized by the overnight service carrier to receive documents, in an envelope or package designated by the overnight service carrier.
- ☐ **BY FACSIMILE:** I served said document(s) to be transmitted by facsimile pursuant to Rule 2.306 of the California Rules of Court. The telephone number of the sending facsimile machine was 213-620-1398. The name(s) and facsimile machine telephone number(s) of the person(s) served are set forth in the service list. The sending facsimile machine (or the machine used to forward the facsimile) issued a transmission report confirming that the transmission was complete and without error. Pursuant to Rule 2.306(g)(4), a copy of that report is attached to this declaration.
- ☐ **BY HAND DELIVERY:** I caused such envelope(s) to be delivered by hand to the office of the addressee(s).
- ☒ **STATE:** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- ☐ **FEDERAL:** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 1, 2007, at Los Angeles, California.



Yvette G. Abrahamian

1 David Sanford, Esquire
Meenoo Chahbazi, Esquire
2 Sanford, Wittels & Heisler, LLP
1666 Connecticut Avenue, N.W., Suite 310
3 Washington, D.C. 20009

202-742-7780
FAX: 202-742-7776

4 Grant Morris, Esquire
Law Offices of Grant E. Morris
5 1666 Connecticut Avenue, N.W., Suite 310
Washington, D.C. 20009

202-742-7783
FAX: 202-742-7776

6 Daniel H. Qualls, Esquire
7 Robin G. Workman, Esquire
Qualls & Workman, LLP
8 244 California Street, Suite 410
San Francisco, California 94111

415-782-3660
FAX: 415-788-1028

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT D

1 David Sanford, D.C. Bar No. 457933
2 Meenoo Chahbazi, CA Bar No. 233985
3 **SANFORD, WITTELS & HEISLER, LLP**
4 1666 Connecticut Avenue, N.W., Suite 310
5 Washington, D.C. 20009
6 Telephone: (202) 742-7780
7 Facsimile: (202) 742-7776

8 Grant Morris, D.C. Bar No. 926253
9 **LAW OFFICES OF GRANT E. MORRIS**
10 1666 Connecticut Avenue, N.W., Suite 310
11 Washington, D.C. 20009
12 Telephone: (202) 742-7783
13 Facsimile: (202) 742-7776

14 Daniel H. Qualls, Bar No. 109036
15 Robin G. Workman, Bar No. 145810
16 **QUALLS & WORKMAN, LLP**
17 244 California Street, Suite 410
18 San Francisco, CA 94111
19 Telephone: (415) 782-3660
20 Facsimile: (415) 788-1028

21 *Attorneys for Plaintiff*

22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000

SHAVOTNAE GOLDSBY, AND ALL OTHERS
SIMILARLY SITUATED,

Plaintiff,

vs.

ADECCO, INC, and DOES 1 through 100, inclusive,

Defendants.

No. RG07337683

**NOTICE OF TAKING DEPOSITION
OF PERSON MOST
KNOWLEDGEABLE REGARDING
PAYMENT OF COMPENSATION,
AND REQUEST FOR PRODUCTION
OF DOCUMENTS**

TO EACH PARTY AND TO EACH ATTORNEY OF RECORD IN THIS ACTION:

1 YOU ARE HEREBY NOTIFIED that, pursuant to Code of Civil Procedure section
2 2025(d) (6), Plaintiff SHAVOTNAE GOLDSBY will take the deposition of ADECCO, INC.
3 ("deponent") who shall designate and produce at the deposition those of its officers, directors,
4 managing agents, employees or agents who are most qualified to testify on its behalf, to the extent
5 of any information known or reasonably available to the deponent regarding ADECCO, INC.'S
6 practice or policy regarding payment of compensation as prescribed by California Labor Code
7 Section 226.7 for missed rest and/or meal period breaks, as applied to California employees
8 between July 26, 2003, and the present. The deposition will commence on September 25, 2007 at
9 11:00 a.m., at the law firm of Qualls & Workman, LLP, 244 California Street, Suite 410, San
10 Francisco, CA, upon examination before a notary public duly authorized to administer oaths. Said
11 deposition to continue from day to day until completed, Saturdays, Sundays and holidays
12 excepted. The deposing party intends to record the proceedings by stenographic method, through
13 the instant visual display of the testimony and/or videotape recording.

14 PLEASE TAKE FURTHER NOTICE that pursuant to California Code of Civil Procedure
15 sections 2025(d) and 2025(h), in addition to attending, at the time and on the date specified, the
16 deponent will be required to bring and produce at or before said time and place, the documents and
17 things listed below which are in the deponent's possession, custody or control, or are in the
18 possession, custody or control of the deponent's officers, directors, agents, employees or attorneys.

INSTRUCTIONS

20 1. This request requires you to produce all documents that are in your actual or
21 constructive possession, custody or control or that are in the possession, custody or control of your
22 attorneys, accountants, representatives, consultants, agents, employees, or anyone else acting on
23 your behalf.

24 2. If any requested document was, but is no longer in your possession, you must
25 specify in writing and serve upon the undersigned a list indicating the identity of such documents.
26 such identification should, for each such document, set forth whether the document (i) has been
27 destroyed, (ii) has been lost, misplaced, or stolen, or (iii) has never been or is no longer, in your

1 possession, custody, or control, in which case the name and address of any person or entity known
2 or believed by you to have possession, custody, or control of that document or category of
3 documents should be identified. In each such instance, explain the circumstances surrounding the
4 disposition and state the date or approximate date of such disposition and the identity of all
5 persons who you believe to have knowledge of such disposition.

6 3. If you withhold any of the requested documents from production under a claim of
7 privilege or other protection, you must serve the undersigned a list of such withheld documents
8 indicating, for each document withheld, the following information: (i) the date composed or date
9 appearing on the document; (ii) the author; (iii) the number of pages; (iv) the number of copies
10 made; (v) the identity of all persons or entities who saw the original document or saw or received a
11 copy of such document, and the job titles of each such person; (vi) the subject matter; and (vii) the
12 basis for the claim of privilege.

13 4. This request requires the production of documents either in the same form or in the
14 same order as they are kept in the usual course of business or organized and labeled to correspond
15 with the particular demands set forth below. If you choose the former method, the documents are
16 to be produced in the boxes, file folders, bindings or other containers in which the documents are
17 found. The titles, labels, or other descriptions on the boxes, file folders, bindings or other
18 containers are to be left intact.

19 I. DEFINITIONS

20 Unless specifically indicated otherwise, the following definitions are applicable throughout
21 this notice (including this Definitions section) and are incorporated by reference into each specific
22 request. The definitions are limited, if at all, only to the extent necessary to avoid a nonsensical
23 meaning of any request.

24 A. The terms "YOU", "YOUR", and "YOURS" include the deponent, deponent's
25 predecessors, affiliates, subsidiaries, successors, and assigns, each of their past or present officers,
26 directors, employees, representatives, and agents, and any person acting or purporting to act on
27 behalf of any of the foregoing.

1 B. "ANY" or "EACH" should be understood to include and encompass "ALL"; "OR"
2 should be understood to include and encompass "AND"; and "AND" should be understood to
3 include and encompass "OR".

4 C. The terms "DOCUMENT" or "DOCUMENTS" shall mean any tangible thing upon
5 which any expression, communication or representation has been recorded by any means including,
6 but not limited to, "COMPUTER RECORDS," "E-MAIL RECORDS," handwriting, typewriting,
7 printing, photostating, photographing, audiotaping, videotaping, magnetic impulse, or mechanical or
8 electronic recording and any nonidentical copies (whether different from the original because of notes
9 made on such copies, because of indications that said copies were sent to different individuals than
10 were the originals, or because of any other reason), including but not limited to working papers,
11 preliminary, intermediate or final drafts, correspondence, memoranda, charts, notes, scripts, records
12 of any sort of meetings, invoices, financial statements, financial calculations, diaries, reports of
13 telephone or other oral conversations, desk calendars, appointment books, audio or video tape
14 recordings, microfilm, microfiche, computer tape, computer disk, computer printout, computer card,
15 and all other writings and recordings of every kind that are in your actual or constructive possession,
16 custody or control.

17 D. "COMPUTER RECORDS" shall mean any tangible thing upon which any
18 expression, communication or representation has been recorded by any means including, but not
19 limited to, network server storage, backup storage, online server storage, microfilm, microfiche,
20 computer tape, computer disk, computer floppy diskette, computer printout, computer card, computer
21 hard drive, computer floppy drive, removable computer drive storage, scanner, computer facsimile,
22 printing, photostating, photographing, video recording, audio recording, magnetic impulse, or other
23 means of electronic recording and any nonidentical copies (whether different from the original
24 because of notes made on such copies, because of indications that said copies were sent to different
25 individuals than were the originals, or because of any other reason), including but not limited to
26 working papers, preliminary, intermediate or final drafts, correspondence, memoranda, charts, notes,
27 scripts, records of any sort of meetings, invoices, financial statements, financial calculations, diaries,
28

1 reports of telephone or other oral conversations, calendars, task schedulers, audio or video recordings,
2 and all other writings and recordings of every kind that are in your actual or constructive possession,
3 custody or control.

4 E. "E-MAIL RECORDS" shall mean any and all tangible thing upon which any
5 expression, communication or representation has been recorded by any means including, but not
6 limited to, any form of electronic mail, Internet online e-mail, any form of interoffice and/or
7 intraoffice network e-mail, printouts of documents from Internet online e-mail or interoffice and
8 intraoffice network e-mail, including any copies which may be stored electronically in any manner
9 including, but not limited to, network server storage, backup storage, online server storage,
10 microfilm, microfiche, computer tape, computer disk, computer floppy diskette, computer printout,
11 computer card, computer hard drive, computer floppy drive, removable computer drive storage,
12 scanner, computer facsimile, printing, photo stating, photographing, video recording, audio recording,
13 magnetic impulse, or other means of electronic recording and any nonidentical copies (whether
14 different from the original because of notes made on such copies, because of indications that said
15 copies were sent to different individuals than were the originals, or because of any other reason),
16 including but not limited to working papers, preliminary, intermediate or final drafts, correspondence,
17 memoranda, charts, notes, scripts, records of any sort of meetings, invoices, financial statements,
18 financial calculations, diaries, reports of telephone or other oral conversations, calendars, task
19 schedulers, audio or video recordings, and all other writings and recordings of every kind that are in
20 your actual or constructive possession, custody or control.

21 F. As used herein, the term "REGARDING" means relating to, referring to, pertaining to,
22 reflecting, substantiating, evidencing, constituting, or in any manner whatsoever logically or
23 factually connected with the matter referenced, whether in whole or in part.

24 **DOCUMENTS REQUESTED TO BE PRODUCED**


25 The following sets forth the documents to be produced at the above-noticed deposition by
26 the deponent. The deponent should produce all documents responsive to this request within the
27 possession, custody or control of deponent at the deposition.

LIST OF DOCUMENTS

ALL DOCUMENTS REGARDING YOUR practice or policy **REGARDING** payment of compensation prescribed by California Labor Code Section 226.7 for missed rest **AND/OR** meal period breaks as applied to California employees between July 26, 2003 and the present.

Date: September 7, 2007

QUALLS & WORKMAN, L.L.P.


Daniel H. Qualls
Attorney for Plaintiff

1 David Sanford, D.C. Bar No. 457933
2 Meenoo Chahbazi, CA Bar No. 233985
3 **SANFORD, WITTELS & HEISLER, LLP**
4 1666 Connecticut Avenue, N.W., Suite 310
5 Washington, D.C. 20009
6 Telephone: (202) 742-7780
7 Facsimile: (202) 742-7776

8 Grant Morris, D.C. Bar No. 926253
9 **LAW OFFICES OF GRANT E. MORRIS**
10 1666 Connecticut Avenue, N.W., Suite 310
11 Washington, D.C. 20009
12 Telephone: (202) 742-7783
13 Facsimile: (202) 742-7776

14 Daniel H. Qualls, Bar No. 109036
15 Robin G. Workman, Bar No. 145810
16 **QUALLS & WORKMAN, LLP**
17 244 California Street, Suite 410
18 San Francisco, CA 94111
19 Telephone: (415) 782-3660
20 Facsimile: (415) 788-1028

21 *Attorneys for Plaintiff*

22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000

SHAVOTNAE GOLDSBY, AND ALL OTHERS
SIMILARLY SITUATED,

Plaintiff,

vs.

ADECCO, INC, and DOES 1 through 100, inclusive,

Defendants.

No. RG07337683

**NOTICE OF TAKING DEPOSITION
OF PERSON MOST
KNOWLEDGEABLE REGARDING
RECORD KEEPING PRACTICES,
AND REQUEST FOR PRODUCTION
OF DOCUMENTS**

TO EACH PARTY AND TO EACH ATTORNEY OF RECORD IN THIS ACTION:
YOU ARE HEREBY NOTIFIED that, pursuant to Code of Civil Procedure section
2025(d) (6), Plaintiff SHAVOTNAE GOLDSBY will take the deposition of ADECCO, INC.

1 ("deponent") who shall designate and produce at the deposition those of its officers, directors,
 2 managing agents, employees or agents who are most qualified to testify on its behalf, to the extent
 3 of any information known or reasonably available to the deponent regarding ADECCO, INC.'S
 4 meal period breaks record keeping practices and procedures applied to California employees
 5 between July 26, 2003, and the present. The deposition will commence on September 25, 2007 at
 6 9:30 a.m., at the law firm of Qualls & Workman, LLP, 244 California Street, Suite 410, San
 7 Francisco, CA, upon examination before a notary public duly authorized to administer oaths. Said
 8 deposition to continue from day to day until completed, Saturdays, Sundays and holidays
 9 excepted. The deposing party intends to record the proceedings by stenographic method, through
 10 the instant visual display of the testimony and/or videotape recording.

11 PLEASE TAKE FURTHER NOTICE that pursuant to California Code of Civil Procedure
 12 sections 2025(d) and 2025(h), in addition to attending, at the time and on the date specified, the
 13 deponent will be required to bring and produce at or before said time and place, the documents and
 14 things listed below which are in the deponent's possession, custody or control, or are in the
 15 possession, custody or control of the deponent's officers, directors, agents, employees or attorneys.

16 INSTRUCTIONS

17 1. This request requires you to produce all documents that are in your actual or
 18 constructive possession, custody or control or that are in the possession, custody or control of your
 19 attorneys, accountants, representatives, consultants, agents, employees, or anyone else acting on
 20 your behalf.

21 2. If any requested document was, but is no longer in your possession, you must
 22 specify in writing and serve upon the undersigned a list indicating the identity of such documents.
 23 such identification should, for each such document, set forth whether the document (i) has been
 24 destroyed, (ii) has been lost, misplaced, or stolen, or (iii) has never been or is no longer, in your
 25 possession, custody, or control, in which case the name and address of any person or entity known
 26 or believed by you to have possession, custody, or control of that document or category of
 27 documents should be identified. In each such instance, explain the circumstances surrounding the
 28

1 disposition and state the date or approximate date of such disposition and the identity of all
 2 persons who you believe to have knowledge of such disposition.

3 3. If you withhold any of the requested documents from production under a claim of
 4 privilege or other protection, you must serve the undersigned a list of such withheld documents
 5 indicating, for each document withheld, the following information: (i) the date composed or date
 6 appearing on the document; (ii) the author; (iii) the number of pages; (iv) the number of copies
 7 made; (v) the identity of all persons or entities who saw the original document or saw or received a
 8 copy of such document, and the job titles of each such person; (vi) the subject matter; and (vii) the
 9 basis for the claim of privilege.

10 4. This request requires the production of documents either in the same form or in the
 11 same order as they are kept in the usual course of business or organized and labeled to correspond
 12 with the particular demands set forth below. If you choose the former method, the documents are
 13 to be produced in the boxes, file folders, bindings or other containers in which the documents are
 14 found. The titles, labels, or other descriptions on the boxes, file folders, bindings or other
 15 containers are to be left intact.

16 **I. DEFINITIONS**

17 Unless specifically indicated otherwise, the following definitions are applicable throughout
 18 this notice (including this Definitions section) and are incorporated by reference into each specific
 19 request. The definitions are limited, if at all, only to the extent necessary to avoid a nonsensical
 20 meaning of any request.

21 A. The terms "**YOU**", "**YOUR**", and "**YOURS**" include the deponent, deponent's
 22 predecessors, affiliates, subsidiaries, successors, and assigns, each of their past or present officers,
 23 directors, employees, representatives, and agents, and any person acting or purporting to act on
 24 behalf of any of the foregoing.

25 B. "**ANY**" or "**EACH**" should be understood to include and encompass "**ALL**"; "**OR**"
 26 should be understood to include and encompass "**AND**"; and "**AND**" should be understood to
 27 include and encompass "**OR**".
 28

1 C. The terms "**DOCUMENT**" or "**DOCUMENTS**" shall mean any tangible thing upon
2 which any expression, communication or representation has been recorded by any means including,
3 but not limited to, "**COMPUTER RECORDS**," "**E-MAIL RECORDS**," handwriting, typewriting,
4 printing, photostating, photographing, audiotaping, videotaping, magnetic impulse, or mechanical or
5 electronic recording and any nonidentical copies (whether different from the original because of notes
6 made on such copies, because of indications that said copies were sent to different individuals than
7 were the originals, or because of any other reason), including but not limited to working papers,
8 preliminary, intermediate or final drafts, correspondence, memoranda, charts, notes, scripts, records
9 of any sort of meetings, invoices, financial statements, financial calculations, diaries, reports of
10 telephone or other oral conversations, desk calendars, appointment books, audio or video tape
11 recordings, microfilm, microfiche, computer tape, computer disk, computer printout, computer card,
12 and all other writings and recordings of every kind that are in your actual or constructive possession,
13 custody or control.

14 D. "**COMPUTER RECORDS**" shall mean any tangible thing upon which any
15 expression, communication or representation has been recorded by any means including, but not
16 limited to, network server storage, backup storage, online server storage, microfilm, microfiche,
17 computer tape, computer disk, computer floppy diskette, computer printout, computer card, computer
18 hard drive, computer floppy drive, removable computer drive storage, scanner, computer facsimile,
19 printing, photostating, photographing, video recording, audio recording, magnetic impulse, or other
20 means of electronic recording and any nonidentical copies (whether different from the original
21 because of notes made on such copies, because of indications that said copies were sent to different
22 individuals than were the originals, or because of any other reason), including but not limited to
23 working papers, preliminary, intermediate or final drafts, correspondence, memoranda, charts, notes,
24 scripts, records of any sort of meetings, invoices, financial statements, financial calculations, diaries,
25 reports of telephone or other oral conversations, calendars, task schedulers, audio or video recordings,
26 and all other writings and recordings of every kind that are in your actual or constructive possession,
27 custody or control.

28

1 E. **"E-MAIL RECORDS"** shall mean any and all tangible thing upon which any
2 expression, communication or representation has been recorded by any means including, but not
3 limited to, any form of electronic mail, Internet online e-mail, any form of interoffice and/or
4 intraoffice network e-mail, printouts of documents from Internet online e-mail or interoffice and
5 intraoffice network e-mail, including any copies which may be stored electronically in any manner
6 including, but not limited to, network server storage, backup storage, online server storage,
7 microfilm, microfiche, computer tape, computer disk, computer floppy diskette, computer printout,
8 computer card, computer hard drive, computer floppy drive, removable computer drive storage,
9 scanner, computer facsimile, printing, photo stating, photographing, video recording, audio recording,
10 magnetic impulse, or other means of electronic recording and any nonidentical copies (whether
11 different from the original because of notes made on such copies, because of indications that said
12 copies were sent to different individuals than were the originals, or because of any other reason),
13 including but not limited to working papers, preliminary, intermediate or final drafts, correspondence,
14 memoranda, charts, notes, scripts, records of any sort of meetings, invoices, financial statements,
15 financial calculations, diaries, reports of telephone or other oral conversations, calendars, task
16 schedulers, audio or video recordings, and all other writings and recordings of every kind that are in
17 your actual or constructive possession, custody or control.

18 F. As used herein, the term **"REGARDING"** means relating to, referring to, pertaining to,
19 reflecting, substantiating, evidencing, constituting, or in any manner whatsoever logically or
20 factually connected with the matter referenced, whether in whole or in part.

21 **DOCUMENTS REQUESTED TO BE PRODUCED**

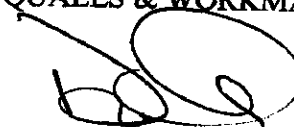
22 The following sets forth the documents to be produced at the above-noticed deposition by
23 the deponent. The deponent should produce all documents responsive to this request within the
24 possession, custody or control of deponent at the deposition.

LIST OF DOCUMENTS

ALL DOCUMENTS REGARDING YOUR meal period breaks record keeping practices and procedures applied to California employees between July 26, 2003 and the present.

Date: September 7, 2007

QUALLS & WORKMAN, L.L.P.



Daniel H. Qualls
Attorney for Plaintiff

David Sanford, D.C. Bar No. 457933
Meenoo Chahbazi, CA Bar No. 233985
SANFORD, WITTELS & HEISLER, LLP
1666 Connecticut Avenue, N.W., Suite 310
Washington, D.C. 20009
Telephone: (202) 742-7780
Facsimile: (202) 742-7776

Grant Morris, D.C. Bar No. 926253
LAW OFFICES OF GRANT E. MORRIS
1666 Connecticut Avenue, N.W., Suite 310
Washington, D.C. 20009
Telephone: (202) 742-7783
Facsimile: (202) 742-7776

Daniel H. Qualls, Bar No. 109036
Robin G. Workman, Bar No. 145810
QUALLS & WORKMAN, LLP
244 California Street, Suite 410
San Francisco, CA 94111
Telephone: (415) 782-3660
Facsimile: (415) 788-1028

Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ALAMEDA

SHAVOTNAE GOLDSBY, AND ALL OTHERS
SIMILARLY SITUATED,

Plaintiff,

vs.

ADECCO, INC, and DOES 1 through 100, inclusive,

Defendants.

No. RG07337683

NOTICE OF TAKING DEPOSITION
OF PERSON MOST
KNOWLEDGEABLE REGARDING
MEAL PERIOD BREAK POLICY
AND REQUEST FOR PRODUCTION
OF DOCUMENTS

TO EACH PARTY AND TO EACH ATTORNEY OF RECORD IN THIS ACTION:

YOU ARE HEREBY NOTIFIED that, pursuant to Code of Civil Procedure section 2025(d) (6), Plaintiff SHAVOTNAE GOLDSBY will take the deposition of ADECCO, INC. ("deponent") who shall designate and produce at the deposition those of its officers, directors, managing agents, employees or agents who are most qualified to testify on its behalf, to the extent of any information known or reasonably available to the deponent regarding ADECCO, INC.'S meal period break policy as applied to California hourly employees between July 26, 2003, and the present. The deposition will commence on September 25, 2007 at 3:00 p.m. at the law firm of Qualls & Workman, LLP, 244 California Street, Suite 410, San Francisco, CA, upon examination before a notary public duly authorized to administer oaths. Said deposition to continue from day to day until completed, Saturdays, Sundays and holidays excepted. The deposing party intends to record the proceedings by stenographic method, through the instant visual display of the testimony and/or videotape recording.

PLEASE TAKE FURTHER NOTICE that pursuant to California Code of Civil Procedure sections 2025(d) and 2025(h), in addition to attending, at the time and on the date specified, the deponent will be required to bring and produce at or before said time and place, the documents and things listed below which are in the deponent's possession, custody or control, or are in the possession, custody or control of the deponent's officers, directors, agents, employees or attorneys.

INSTRUCTIONS

1. This request requires you to produce all documents that are in your actual or constructive possession, custody or control or that are in the possession, custody or control of your attorneys, accountants, representatives, consultants, agents, employees, or anyone else acting on your behalf.

2. If any requested document was, but is no longer in your possession, you must specify in writing and serve upon the undersigned a list indicating the identity of such documents. Such identification should, for each such document, set forth whether the document (i) has been destroyed, (ii) has been lost, misplaced, or stolen, or (iii) has never been or is no longer, in your possession, custody, or control, in which case the name and address of any person or entity known

1 or believed by you to have possession, custody, or control of that document or category of
2 documents should be identified. In each such instance, explain the circumstances surrounding the
3 disposition and state the date or approximate date of such disposition and the identity of all
4 persons who you believe to have knowledge of such disposition.

5 3. If you withhold any of the requested documents from production under a claim of
6 privilege or other protection, you must serve the undersigned a list of such withheld documents
7 indicating, for each document withheld, the following information: (i) the date composed or date
8 appearing on the document; (ii) the author; (iii) the number of pages; (iv) the number of copies
9 made; (v) the identity of all persons or entities who saw the original document or saw or received a
10 copy of such document, and the job titles of each such person; (vi) the subject matter; and (vii) the
11 basis for the claim of privilege.

12 4. This request requires the production of documents either in the same form or in the
13 same order as they are kept in the usual course of business or organized and labeled to correspond
14 with the particular demands set forth below. If you choose the former method, the documents are
15 to be produced in the boxes, file folders, bindings or other containers in which the documents are
16 found. The titles, labels, or other descriptions on the boxes, file folders, bindings or other
17 containers are to be left intact.

18 **I. DEFINITIONS**

19 Unless specifically indicated otherwise, the following definitions are applicable throughout
20 this notice (including this Definitions section) and are incorporated by reference into each specific
21 request. The definitions are limited, if at all, only to the extent necessary to avoid a nonsensical
22 meaning of any request.

23 A. The terms "YOU", "YOUR", and "YOURS" include the deponent, deponent's
24 predecessors, affiliates, subsidiaries, successors, and assigns, each of their past or present officers,
25 directors, employees, representatives, and agents, and any person acting or purporting to act on
26 behalf of any of the foregoing.

1 B. **"ANY" or "EACH"** should be understood to include and encompass **"ALL"; "OR"**
2 should be understood to include and encompass **"AND"**; and **"AND"** should be understood to
3 include and encompass **"OR"**.

4 C. The terms **"DOCUMENT" or "DOCUMENTS"** shall mean any tangible thing upon
5 which any expression, communication or representation has been recorded by any means including,
6 but not limited to, **"COMPUTER RECORDS," "E-MAIL RECORDS,"** handwriting, typewriting,
7 printing, photostating, photographing, audiotaping, videotaping, magnetic impulse, or mechanical or
8 electronic recording and any nonidentical copies (whether different from the original because of notes
9 made on such copies, because of indications that said copies were sent to different individuals than
10 were the originals, or because of any other reason), including but not limited to working papers,
11 preliminary, intermediate or final drafts, correspondence, memoranda, charts, notes, scripts, records
12 of any sort of meetings, invoices, financial statements, financial calculations, diaries, reports of
13 telephone or other oral conversations, desk calendars, appointment books, audio or video tape
14 recordings, microfilm, microfiche, computer tape, computer disk, computer printout, computer card,
15 and all other writings and recordings of every kind that are in your actual or constructive possession,
16 custody or control.

17 D. **"COMPUTER RECORDS"** shall mean any tangible thing upon which any
18 expression, communication or representation has been recorded by any means including, but not
19 limited to, network server storage, backup storage, online server storage, microfilm, microfiche,
20 computer tape, computer disk, computer floppy diskette, computer printout, computer card, computer
21 hard drive, computer floppy drive, removable computer drive storage, scanner, computer facsimile,
22 printing, photostating, photographing, video recording, audio recording, magnetic impulse, or other
23 means of electronic recording and any nonidentical copies (whether different from the original
24 because of notes made on such copies, because of indications that said copies were sent to different
25 individuals than were the originals, or because of any other reason), including but not limited to
26 working papers, preliminary, intermediate or final drafts, correspondence, memoranda, charts, notes,
27 scripts, records of any sort of meetings, invoices, financial statements, financial calculations, diaries,

1 reports of telephone or other oral conversations, calendars, task schedulers, audio or video recordings,
2 and all other writings and recordings of every kind that are in your actual or constructive possession,
3 custody or control.

4 E. "E-MAIL RECORDS" shall mean any and all tangible thing upon which any
5 expression, communication or representation has been recorded by any means including, but not
6 limited to, any form of electronic mail, Internet online e-mail, any form of interoffice and/or
7 intraoffice network e-mail, printouts of documents from Internet online e-mail or interoffice and
8 intraoffice network e-mail, including any copies which may be stored electronically in any manner
9 including, but not limited to, network server storage, backup storage, online server storage,
10 microfilm, microfiche, computer tape, computer disk, computer floppy diskette, computer printout,
11 computer card, computer hard drive, computer floppy drive, removable computer drive storage,
12 scanner, computer facsimile, printing, photo stating, photographing, video recording, audio recording,
13 magnetic impulse, or other means of electronic recording and any nonidentical copies (whether
14 different from the original because of notes made on such copies, because of indications that said
15 copies were sent to different individuals than were the originals, or because of any other reason),
16 including but not limited to working papers, preliminary, intermediate or final drafts, correspondence,
17 memoranda, charts, notes, scripts, records of any sort of meetings, invoices, financial statements,
18 financial calculations, diaries, reports of telephone or other oral conversations, calendars, task
19 schedulers, audio or video recordings, and all other writings and recordings of every kind that are in
20 your actual or constructive possession, custody or control.

21 F. As used herein, the term "REGARDING" means relating to, referring to, pertaining to,
22 reflecting, substantiating, evidencing, constituting, or in any manner whatsoever logically or
23 factually connected with the matter referenced, whether in whole or in part.

24 **DOCUMENTS REQUESTED TO BE PRODUCED**

25 The following sets forth the documents to be produced at the above-noticed deposition by
26 the deponent. The deponent should produce all documents responsive to this request within the
27 possession, custody or control of deponent at the deposition.

LIST OF DOCUMENTS

ALL DOCUMENTS REGARDING YOUR meal period break policies for California hourly employees in effect between July 26, 2003, AND the present.

Date: September 7, 2007

QUALLS & WORKMAN, L.L.P.

By: 

Daniel H. Qualls
Attorney for Plaintiff

ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS) QUALLS & WORKMAN, LLP DANIEL H. QUALLS - SBN # 109036 244 CALIFORNIA STREET, SUITE #410 SAN FRANCISCO, CA 94111		TELEPHONE NO. (415) 782-3660	FOR COURT USE ONLY	
ATTORNEY FOR (NAME) SHAVOTNAE GOLDSBY, ET AL		REFERENCE NUMBER 0V238660-01		
Insert name of court, judicial district or branch court, if any, and post office and street address SUPERIOR COURT OF CALIFORNIA, OAKLAND DIVISION 600 WASHINGTON STREET OAKLAND, CA 94607				
SHORT NAME OF CASE SHAVOTNAE GOLDSBY, ET AL vs. ADECCO, INC.				
PROOF OF SERVICE	DATE:	TIME:	DEPT/DIV:	CASE NUMBER: RG07337683

I am and was on the dates herein mentioned over the age of eighteen years and not a party to this action:

I served the:

SEE ATTACHED LIST OF DOCUMENTS

Name: ADECCO, INC.

Person Served: MARGARET WILSON, CT CORP.
Title: AGENT FOR SERVICE

Date of Delivery: 09/10/07
Time of Delivery: 02:40 pm

Place of Service: 818 WEST SEVENTH STREET
LOS ANGELES, CA 90017 (Business)


Manner of Service: Personal Service - By Personally Delivering Copies.

Fee for service: \$ 86.13

☒ Registered: . . . LOS ANGELES . . . County,
Number: . . . 5403 . . .
Attorney's Diversified Services
741 N. Fulton Street
Fresno, CA 93728
559-233-1475
30240V238660-01
Client file # 3153.00

PROOF OF SERVICE

I declare under penalty of perjury that the foregoing is true and correct
and that this declaration was executed
on: 09/17/07
at: Ventura, California.

Signature: 
Name: KEN MELENDEZ
Title: REGISTERED CALIFORNIA PROCESS SERVER

LISTING OF DOCUMENTS
ALAMEDA COUNTY SUPERIOR COURT
CASE RG07337683

1. NOTICE OF TAKING DEPOSITION OF PERSON MOST KNOWLEDGEABLE REGARDING RECORD KEEPING PRACTICES, AND REQUEST FOR PRODUCTION OF DOCUMENTS
2. NOTICE OF TAKING DEPOSITION OF PERSON MOST KNOWLEDGEABLE REGARDING PAYMENT OF COMPENSATION, AND REQUEST FOR PRODUCTION OF DOCUMENTS
3. NOTICE OF TAKING DEPOSITION OF PERSON MOST KNOWLEDGEABLE REGARDING MEAL PERIOD BREAK POLICY AND REQUEST FOR PRODUCTION OF DOCUMENTS

V238660

EXHIBIT E

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
A Limited Liability Partnership
2 Including Professional Corporations
CHARLES F. BARKER, Cal. Bar No. 70076
3 ROSS A. BOUGHTON, Cal. Bar No. 241119
333 South Hope Street, 48th Floor
4 Los Angeles, California 90071-1448
Telephone: 213-620-1780
5 Facsimile: 213-620-1398

6 Attorneys for Defendant
ADECCO, INC.

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF ALAMEDA

10
11 SHAVOTNAE GOLDSBY, AND ALL
OTHERS SIMILARLY SITUATED,

12 Plaintiff,

13 v.

14 ADECCO, INC., and DOES 1 through
15 100, inclusive,,

16 Defendants.

Case No. RG 07337683

**NOTICE TO CLERK OF THE
SUPERIOR COURT OF REMOVAL
OF ACTION TO FEDERAL COURT**

[Complaint Filed: July 26, 2007]

17
18 TO THE CLERK OF THE ABOVE ENTITLED COURT:

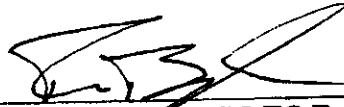
19
20 PLEASE TAKE NOTICE that Defendant Adecco, Inc. has for the above-
21 entitled action, without waiving any defenses that it may have, filed in the United States
22 District Court for the Northern District of California a Notice of Removal of Action on
23 November 5, 2007, under Federal Case Number CV07-5604.

24
25 A true and correct copy of the said Notice of Removal of Action is attached
26 hereto as Exhibit "1" and is served and filed herewith. Notice and a true and correct copy
27 of the Notice of Removal will also be served on Plaintiff.
28

1 Dated: November 6, 2007

2 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

3
4 By



5 CHARLES F. BARKER
6 ROSS A. BOUGHTON
7 Attorneys for Defendant ADECCO, INC.
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles; I am over the age of eighteen years and not a party to the within entitled action; my business address is 333 South Hope Street, 48th Floor, Los Angeles, California 90071-1448.

On November 6, 2007, I served the following document(s) described as **NOTICE TO CLERK OF THE SUPERIOR COURT OF REMOVAL OF ACTION TO FEDERAL COURT** on the interested party(ies) in this action by placing true copies thereof enclosed in sealed envelopes and/or packages addressed as follows:

SEE ATTACHED LIST

- ☒ **BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- ☐ **BY OVERNIGHT DELIVERY:** I served such envelope or package to be delivered on the same day to an authorized courier or driver authorized by the overnight service carrier to receive documents, in an envelope or package designated by the overnight service carrier.
- ☐ **BY FACSIMILE:** I served said document(s) to be transmitted by facsimile pursuant to Rule 2.306 of the California Rules of Court. The telephone number of the sending facsimile machine was 213-620-1398. The name(s) and facsimile machine telephone number(s) of the person(s) served are set forth in the service list. The sending facsimile machine (or the machine used to forward the facsimile) issued a transmission report confirming that the transmission was complete and without error. Pursuant to Rule 2.306(g)(4), a copy of that report is attached to this declaration.
- ☐ **BY HAND DELIVERY:** I caused such envelope(s) to be delivered by hand to the office of the addressee(s).
- ☒ **STATE:** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- ☐ **FEDERAL:** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 6, 2007, at Los Angeles, California.


SUZANNE VAHANIAN

1 David Sanford, Esquire
Meenoo Chahbazi, Esquire
2 Sanford, Wittels & Heisler, LLP
1666 Connecticut Avenue, N.W., Suite 310
3 Washington, D.C. 20009

202-742-7780
FAX: 202-742-7776

4 Grant Morris, Esquire
Law Offices of Grant E. Morris
5 1666 Connecticut Avenue, N.W., Suite 310
Washington, D.C. 20009

202-742-7783
FAX: 202-742-7776

6 Daniel H. Qualls, Esquire
7 Robin G. Workman, Esquire
Qualls & Workman, LLP
8 244 California Street, Suite 410
San Francisco, California 94111

415-782-3660
FAX: 415-788-1028

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT F

1 Daniel H. Qualls, Bar No. 109036
Robin G. Workman, Bar No. 145810
2 **QUALLS & WORKMAN, LLP**
244 California Street, Suite 410
3 San Francisco, CA 94111
Telephone: (415) 782-3660
4 Facsimile: (415) 788-1028

5 David Sanford, D.C. Bar No. 457933
Meenoo Chahbazi, CA Bar No. 233985
6 **SANFORD, WITTELS & HEISLER, LLP**
1666 Connecticut Avenue, N.W., Suite 310
7 Washington, D.C. 20009
Telephone: (202) 742-7780
8 Facsimile: (202) 742-7776

9 Grant Morris, D.C. Bar No. 926253
10 **LAW OFFICES OF GRANT E. MORRIS**
1666 Connecticut Avenue, N.W., Suite 310
Washington, D.C. 20009
11 Telephone: (202) 742-7783
12 Facsimile: (202) 742-7776

13 *Attorneys for Plaintiff*

14
15
16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18

19 SHAVOTNAE GOLDSBY, AND ALL OTHERS
20 SIMILARLY SITUATED,

21 Plaintiff,

22 vs.

23 ADECCO, INC, and DOES 1 through 100, inclusive,

24 Defendants.
25
26
27
28

No. CV-07-5604 MMC

NOTICE OF TAKING DEPOSITION
OF DEFENDANT ADECCO,
PURSUANT TO FRCP 30(b)(6)
REGARDING MEAL PERIOD BREAK
POLICY AND REQUEST FOR
PRODUCTION OF DOCUMENTS

1 TO EACH PARTY AND TO EACH ATTORNEY OF RECORD IN THIS ACTION:

2 YOU ARE HEREBY NOTIFIED that, pursuant to FRCP 30(b)(6), Plaintiff
3 SHAVOTNAE GOLDSBY will take the deposition of ADECCO, INC. ("deponent") who shall
4 designate and produce at the deposition those of its officers, directors, managing agents,
5 employees or agents who are most qualified to testify on its behalf, to the extent of any
6 information known or reasonably available to the deponent regarding ADECCO, INC.'S meal
7 period break policy as applied to California hourly employees between July 26, 2003, and the
8 present. The deposition will commence on March 5, 2008 at 3:00 p.m. at the law firm of Qualls &
9 Workman, LLP, 244 California Street, Suite 410, San Francisco, CA, upon examination before a
10 notary public duly authorized to administer oaths. Said deposition to continue from day to day
11 until completed, Saturdays, Sundays and holidays excepted. The deposing party intends to record
12 the proceedings by stenographic method, through the instant visual display of the testimony and/or
13 videotape recording.

14 PLEASE TAKE FURTHER NOTICE that pursuant to FRCP Rules 30(b)(2) and 34, in
15 addition to attending, at the time and on the date specified, the deponent will be required to bring
16 and produce at or before said time and place, the documents and things listed below which are in
17 the deponent's possession, custody or control, or are in the possession, custody or control of the
18 deponent's officers, directors, agents, employees or attorneys.

19 **INSTRUCTIONS**

20 1. This request requires you to produce all documents that are in your actual or
21 constructive possession, custody or control or that are in the possession, custody or control of your
22 attorneys, accountants, representatives, consultants, agents, employees, or anyone else acting on
23 your behalf.

24 2. If any requested document was, but is no longer in your possession, you must
25 specify in writing and serve upon the undersigned a list indicating the identity of such documents.
26 such identification should, for each such document, set forth whether the document (i) has been
27 destroyed, (ii) has been lost, misplaced, or stolen, or (iii) has never been or is no longer, in your

28

1 possession, custody, or control, in which case the name and address of any person or entity known
2 or believed by you to have possession, custody, or control of that document or category of
3 documents should be identified. In each such instance, explain the circumstances surrounding the
4 disposition and state the date or approximate date of such disposition and the identity of all
5 persons who you believe to have knowledge of such disposition.

6 3. If you withhold any of the requested documents from production under a claim of
7 privilege or other protection, you must serve the undersigned a list of such withheld documents
8 indicating, for each document withheld, the following information: (i) the date composed or date
9 appearing on the document; (ii) the author; (iii) the number of pages; (iv) the number of copies
10 made; (v) the identity of all persons or entities who saw the original document or saw or received a
11 copy of such document, and the job titles of each such person; (vi) the subject matter; and (vii) the
12 basis for the claim of privilege.

13 4. This request requires the production of documents either in the same form or in the
14 same order as they are kept in the usual course of business or organized and labeled to correspond
15 with the particular demands set forth below. If you choose the former method, the documents are
16 to be produced in the boxes, file folders, bindings or other containers in which the documents are
17 found. The titles, labels, or other descriptions on the boxes, file folders, bindings or other
18 containers are to be left intact.

19 **I. DEFINITIONS**

20 Unless specifically indicated otherwise, the following definitions are applicable throughout
21 this notice (including this Definitions section) and are incorporated by reference into each specific
22 request. The definitions are limited, if at all, only to the extent necessary to avoid a nonsensical
23 meaning of any request.

24 A. The terms "YOU", "YOUR", and "YOURS" include the deponent, deponent's
25 predecessors, affiliates, subsidiaries, successors, and assigns, each of their past or present officers,
26 directors, employees, representatives, and agents, and any person acting or purporting to act on
27 behalf of any of the foregoing.

1 B. **"ANY" or "EACH"** should be understood to include and encompass **"ALL"; "OR"**
2 should be understood to include and encompass **"AND";** and **"AND"** should be understood to
3 include and encompass **"OR"**.

4 C. The terms **"DOCUMENT" or "DOCUMENTS"** shall mean any tangible thing upon
5 which any expression, communication or representation has been recorded by any means including,
6 but not limited to, **"COMPUTER RECORDS," "E-MAIL RECORDS,"** handwriting, typewriting,
7 printing, photostating, photographing, audiotaping, videotaping, magnetic impulse, or mechanical or
8 electronic recording and any nonidentical copies (whether different from the original because of notes
9 made on such copies, because of indications that said copies were sent to different individuals than
10 were the originals, or because of any other reason), including but not limited to working papers,
11 preliminary, intermediate or final drafts, correspondence, memoranda, charts, notes, scripts, records
12 of any sort of meetings, invoices, financial statements, financial calculations, diaries, reports of
13 telephone or other oral conversations, desk calendars, appointment books, audio or video tape
14 recordings, microfilm, microfiche, computer tape, computer disk, computer printout, computer card,
15 and all other writings and recordings of every kind that are in your actual or constructive possession,
16 custody or control.

17 D. **"COMPUTER RECORDS"** shall mean any tangible thing upon which any
18 expression, communication or representation has been recorded by any means including, but not
19 limited to, network server storage, backup storage, online server storage, microfilm, microfiche,
20 computer tape, computer disk, computer floppy diskette, computer printout, computer card, computer
21 hard drive, computer floppy drive, removable computer drive storage, scanner, computer facsimile,
22 printing, photostating, photographing, video recording, audio recording, magnetic impulse, or other
23 means of electronic recording and any nonidentical copies (whether different from the original
24 because of notes made on such copies, because of indications that said copies were sent to different
25 individuals than were the originals, or because of any other reason), including but not limited to
26 working papers, preliminary, intermediate or final drafts, correspondence, memoranda, charts, notes,
27 scripts, records of any sort of meetings, invoices, financial statements, financial calculations, diaries,
28

1 reports of telephone or other oral conversations, calendars, task schedulers, audio or video recordings,
2 and all other writings and recordings of every kind that are in your actual or constructive possession,
3 custody or control.

4 E. "E-MAIL RECORDS" shall mean any and all tangible thing upon which any
5 expression, communication or representation has been recorded by any means including, but not
6 limited to, any form of electronic mail, Internet online e-mail, any form of interoffice and/or
7 intraoffice network e-mail, printouts of documents from Internet online e-mail or interoffice and
8 intraoffice network e-mail, including any copies which may be stored electronically in any manner
9 including, but not limited to, network server storage, backup storage, online server storage,
10 microfilm, microfiche, computer tape, computer disk, computer floppy diskette, computer printout,
11 computer card, computer hard drive, computer floppy drive, removable computer drive storage,
12 scanner, computer facsimile, printing, photo stating, photographing, video recording, audio recording,
13 magnetic impulse, or other means of electronic recording and any nonidentical copies (whether
14 different from the original because of notes made on such copies, because of indications that said
15 copies were sent to different individuals than were the originals, or because of any other reason),
16 including but not limited to working papers, preliminary, intermediate or final drafts, correspondence,
17 memoranda, charts, notes, scripts, records of any sort of meetings, invoices, financial statements,
18 financial calculations, diaries, reports of telephone or other oral conversations, calendars, task
19 schedulers, audio or video recordings, and all other writings and recordings of every kind that are in
20 your actual or constructive possession, custody or control.

21 F. As used herein, the term "REGARDING" means relating to, referring to, pertaining to,
22 reflecting, substantiating, evidencing, constituting, or in any manner whatsoever logically or
23 factually connected with the matter referenced, whether in whole or in part.

24 **DOCUMENTS REQUESTED TO BE PRODUCED**

25 The following sets forth the documents to be produced at the above-noticed deposition by
26 the deponent. The deponent should produce all documents responsive to this request within the
27 possession, custody or control of deponent at the deposition.

28

LIST OF DOCUMENTS

ALL DOCUMENTS REGARDING YOUR meal period break policies for California hourly employees in effect between July 26, 2003, **AND** the present.

Date: February 5, 2008

QUALLS & WORKMAN, L.L.P.

By: 

Daniel H. Qualls
Attorney for Plaintiff

PROOF OF SERVICE

I, the undersigned, hereby declare:

I am employed by Legal Support Services in the City and County of Los Angeles, California. I am over the age of eighteen years and not a party to the within action. My business address is 1262 1/2 West Second Street, Los Angeles, California.

On February 5, 2008, I served the following documents:

**NOTICE OF TAKING DEPOSITION OF DEFENDANT ADECCO, PURSUANT TO
FRCP 30(b)(6) REGARDING MEAL PERIOD BREAK POLICY AND REQUEST FOR
PRODUCTION OF DOCUMENTS**

on the interested parties in this action by hand delivery at the following address:

Ross A. Boughton, Esq.
Sheppard, Mullin, Richter & Hampton, LLP
333 South Hope Street, 48th Floor
Los Angeles, California 90071

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on February 5, 2008, at Los Angeles, California.

Print Name: F. Duarte

Sign Name: F. Duarte

1 Daniel H. Qualls, Bar No. 109036
2 Robin G. Workman, Bar No. 145810
3 **QUALLS & WORKMAN, LLP**
244 California Street, Suite 410
4 San Francisco, CA 94111
Telephone: (415) 782-3660
Facsimile: (415) 788-1028

5 David Sanford, D.C. Bar No. 457933
6 Meenoo Chahbazi, CA Bar No. 233985
7 **SANFORD, WITTELS & HEISLER, LLP**
1666 Connecticut Avenue, N.W., Suite 310
8 Washington, D.C. 20009
Telephone: (202) 742-7780
Facsimile: (202) 742-7776

9 Grant Morris, D.C. Bar No. 926253
10 **LAW OFFICES OF GRANT E. MORRIS**
1666 Connecticut Avenue, N.W., Suite 310
11 Washington, D.C. 20009
Telephone: (202) 742-7783
12 Facsimile: (202) 742-7776

13 *Attorneys for Plaintiff*

14
15
16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18

19 SHAVOTNAE GOLDSBY, AND ALL OTHERS
20 SIMILARLY SITUATED,

21 Plaintiff,

22 vs.

23 ADECCO, INC, and DOES 1 through 100, inclusive,

24 Defendants.

No. CV-07-5604 MMC

25
26 **NOTICE OF TAKING DEPOSITION**
27 **OF DEFENDANT ADECCO,**
28 **PURSUANT TO FRCP 30(b)(6)**
REGARDING RECORD KEEPING
PRACTICES, AND REQUEST FOR
PRODUCTION OF DOCUMENTS

TO EACH PARTY AND TO EACH ATTORNEY OF RECORD IN THIS ACTION:

YOU ARE HEREBY NOTIFIED that, pursuant to FRCP 30(b)(6), Plaintiff

SHAVOTNAE GOLDSBY will take the deposition of ADECCO, INC. ("deponent") who shall

1 designate and produce at the deposition those of its officers, directors, managing agents,
2 employees or agents who are most qualified to testify on its behalf, to the extent of any
3 information known or reasonably available to the deponent regarding ADECCO, INC.'S meal
4 period breaks record keeping practices and procedures applied to California employees between
5 July 26, 2003, and the present. The deposition will commence on March 5, 2008 at 9:30 a.m., at
6 the law firm of Qualls & Workman, LLP, 244 California Street, Suite 410, San Francisco, CA,
7 upon examination before a notary public duly authorized to administer oaths. Said deposition to
8 continue from day to day until completed, Saturdays, Sundays and holidays excepted. The
9 deposing party intends to record the proceedings by stenographic method, through the instant
10 visual display of the testimony and/or videotape recording.

11 PLEASE TAKE FURTHER NOTICE that pursuant to FRCP Rules 30(b)(2) and 34, in
12 addition to attending, at the time and on the date specified, the deponent will be required to bring
13 and produce at or before said time and place, the documents and things listed below which are in
14 the deponent's possession, custody or control, or are in the possession, custody or control of the
15 deponent's officers, directors, agents, employees or attorneys.

16 INSTRUCTIONS

17 1. This request requires you to produce all documents that are in your actual or
18 constructive possession, custody or control or that are in the possession, custody or control of your
19 attorneys, accountants, representatives, consultants, agents, employees, or anyone else acting on
20 your behalf.

21 2. If any requested document was, but is no longer in your possession, you must
22 specify in writing and serve upon the undersigned a list indicating the identity of such documents.
23 such identification should, for each such document, set forth whether the document (i) has been
24 destroyed, (ii) has been lost, misplaced, or stolen, or (iii) has never been or is no longer, in your
25 possession, custody, or control, in which case the name and address of any person or entity known
26 or believed by you to have possession, custody, or control of that document or category of
27 documents should be identified. In each such instance, explain the circumstances surrounding the
28

1 disposition and state the date or approximate date of such disposition and the identity of all
2 persons who you believe to have knowledge of such disposition.

3 3. If you withhold any of the requested documents from production under a claim of
4 privilege or other protection, you must serve the undersigned a list of such withheld documents
5 indicating, for each document withheld, the following information: (i) the date composed or date
6 appearing on the document; (ii) the author; (iii) the number of pages; (iv) the number of copies
7 made; (v) the identity of all persons or entities who saw the original document or saw or received a
8 copy of such document, and the job titles of each such person; (vi) the subject matter; and (vii) the
9 basis for the claim of privilege.

10 4. This request requires the production of documents either in the same form or in the
11 same order as they are kept in the usual course of business or organized and labeled to correspond
12 with the particular demands set forth below. If you choose the former method, the documents are
13 to be produced in the boxes, file folders, bindings or other containers in which the documents are
14 found. The titles, labels, or other descriptions on the boxes, file folders, bindings or other
15 containers are to be left intact.

16 **I. DEFINITIONS**

17 Unless specifically indicated otherwise, the following definitions are applicable throughout
18 this notice (including this Definitions section) and are incorporated by reference into each specific
19 request. The definitions are limited, if at all, only to the extent necessary to avoid a nonsensical
20 meaning of any request.

21 A. The terms "YOU", "YOUR", and "YOURS" include the deponent, deponent's
22 predecessors, affiliates, subsidiaries, successors, and assigns, each of their past or present officers,
23 directors, employees, representatives, and agents, and any person acting or purporting to act on
24 behalf of any of the foregoing.

25 B. "ANY" or "EACH" should be understood to include and encompass "ALL"; "OR"
26 should be understood to include and encompass "AND"; and "AND" should be understood to
27 include and encompass "OR".
28

1 C. The terms "**DOCUMENT**" or "**DOCUMENTS**" shall mean any tangible thing upon
2 which any expression, communication or representation has been recorded by any means including,
3 but not limited to, "**COMPUTER RECORDS**," "**E-MAIL RECORDS**," handwriting, typewriting,
4 printing, photostating, photographing, audiotaping, videotaping, magnetic impulse, or mechanical or
5 electronic recording and any nonidentical copies (whether different from the original because of notes
6 made on such copies, because of indications that said copies were sent to different individuals than
7 were the originals, or because of any other reason), including but not limited to working papers,
8 preliminary, intermediate or final drafts, correspondence, memoranda, charts, notes, scripts, records
9 of any sort of meetings, invoices, financial statements, financial calculations, diaries, reports of
10 telephone or other oral conversations, desk calendars, appointment books, audio or video tape
11 recordings, microfilm, microfiche, computer tape, computer disk, computer printout, computer card,
12 and all other writings and recordings of every kind that are in your actual or constructive possession,
13 custody or control.

14 D. "**COMPUTER RECORDS**" shall mean any tangible thing upon which any
15 expression, communication or representation has been recorded by any means including, but not
16 limited to, network server storage, backup storage, online server storage, microfilm, microfiche,
17 computer tape, computer disk, computer floppy diskette, computer printout, computer card, computer
18 hard drive, computer floppy drive, removable computer drive storage, scanner, computer facsimile,
19 printing, photostating, photographing, video recording, audio recording, magnetic impulse, or other
20 means of electronic recording and any nonidentical copies (whether different from the original
21 because of notes made on such copies, because of indications that said copies were sent to different
22 individuals than were the originals, or because of any other reason), including but not limited to
23 working papers, preliminary, intermediate or final drafts, correspondence, memoranda, charts, notes,
24 scripts, records of any sort of meetings, invoices, financial statements, financial calculations, diaries,
25 reports of telephone or other oral conversations, calendars, task schedulers, audio or video recordings,
26 and all other writings and recordings of every kind that are in your actual or constructive possession,
27 custody or control.

28

1 E. "E-MAIL RECORDS" shall mean any and all tangible thing upon which any
2 expression, communication or representation has been recorded by any means including, but not
3 limited to, any form of electronic mail, Internet online e-mail, any form of interoffice and/or
4 intraoffice network e-mail, printouts of documents from Internet online e-mail or interoffice and
5 intraoffice network e-mail, including any copies which may be stored electronically in any manner
6 including, but not limited to, network server storage, backup storage, online server storage,
7 microfilm, microfiche, computer tape, computer disk, computer floppy diskette, computer printout,
8 computer card, computer hard drive, computer floppy drive, removable computer drive storage,
9 scanner, computer facsimile, printing, photo stating, photographing, video recording, audio recording,
10 magnetic impulse, or other means of electronic recording and any nonidentical copies (whether
11 different from the original because of notes made on such copies, because of indications that said
12 copies were sent to different individuals than were the originals, or because of any other reason),
13 including but not limited to working papers, preliminary, intermediate or final drafts, correspondence,
14 memoranda, charts, notes, scripts, records of any sort of meetings, invoices, financial statements,
15 financial calculations, diaries, reports of telephone or other oral conversations, calendars, task
16 schedulers, audio or video recordings, and all other writings and recordings of every kind that are in
17 your actual or constructive possession, custody or control.

18 F. As used herein, the term "REGARDING" means relating to, referring to, pertaining to,
19 reflecting, substantiating, evidencing, constituting, or in any manner whatsoever logically or
20 factually connected with the matter referenced, whether in whole or in part.

21 **DOCUMENTS REQUESTED TO BE PRODUCED**

22 The following sets forth the documents to be produced at the above-noticed deposition by
23 the deponent. The deponent should produce all documents responsive to this request within the
24 possession, custody or control of deponent at the deposition.
25
26
27
28

LIST OF DOCUMENTS

ALL DOCUMENTS REGARDING YOUR meal period breaks record keeping practices and procedures applied to California employees between July 26, 2003 and the present.

Date: February 5, 2008

QUALLS & WORKMAN, L.L.P.



Daniel H. Qualls
Attorney for Plaintiff

PROOF OF SERVICE

I, the undersigned, hereby declare:

I am employed by Legal Support Services in the City and County of Los Angeles, California. I am over the age of eighteen years and not a party to the within action. My business address is 1262 1/2 West Second Street, Los Angeles, California.

On February 5, 2008, I served the following documents:

**NOTICE OF TAKING DEPOSITION OF DEFENDANT ADECCO, PURSUANT TO
FRCP 30(b)(6) REGARDING RECORD KEEPING PRACTICES, AND REQUEST FOR
PRODUCTION OF DOCUMENTS**

on the interested parties in this action by hand delivery at the following address:

Ross A. Boughton, Esq.
Sheppard, Mullin, Richter & Hampton, LLP
333 South Hope Street, 48th Floor
Los Angeles, California 90071

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on February 5, 2008, at Los Angeles, California.

Print Name: F. Duarte

Sign Name: [Signature]

1 Daniel H. Qualls, Bar No. 109036
2 Robin G. Workman, Bar No. 145810
3 **QUALLS & WORKMAN, LLP**
4 244 California Street, Suite 410
5 San Francisco, CA 94111
6 Telephone: (415) 782-3660
7 Facsimile: (415) 788-1028

8 David Sanford, D.C. Bar No. 457933
9 Meenoo Chahbazi, CA Bar No. 233985
10 **SANFORD, WITTELS & HEISLER, LLP**
11 1666 Connecticut Avenue, N.W., Suite 310
12 Washington, D.C. 20009
13 Telephone: (202) 742-7780
14 Facsimile: (202) 742-7776

15 Grant Morris, D.C. Bar No. 926253
16 **LAW OFFICES OF GRANT E. MORRIS**
17 1666 Connecticut Avenue, N.W., Suite 310
18 Washington, D.C. 20009
19 Telephone: (202) 742-7783
20 Facsimile: (202) 742-7776

21 *Attorneys for Plaintiff*

22 UNITED STATES DISTRICT COURT
23 NORTHERN DISTRICT OF CALIFORNIA

24 SHAVOTNAE GOLDSBY, AND ALL OTHERS
25 SIMILARLY SITUATED,

26 Plaintiff,

27 vs.

28 ADECCO, INC, and DOES 1 through 100, inclusive,

Defendants.

No. CV-07-5604 MMC

NOTICE OF TAKING DEPOSITION
OF DEFENDANT ADECCO,
PURSUANT TO FRCP 30(b)(6)
REGARDING PAYMENT OF
COMPENSATION, AND REQUEST
FOR PRODUCTION OF DOCUMENTS

TO EACH PARTY AND TO EACH ATTORNEY OF RECORD IN THIS ACTION:

YOU ARE HEREBY NOTIFIED that, pursuant to FRCP 30(b)(6), Plaintiff

SHAVOTNAE GOLDSBY will take the deposition of ADECCO, INC. ("deponent") who shall

1 designate and produce at the deposition those of its officers, directors, managing agents,
2 employees or agents who are most qualified to testify on its behalf, to the extent of any
3 information known or reasonably available to the deponent regarding ADECCO, INC.'S practice
4 or policy regarding payment of compensation as prescribed by California Labor Code Section
5 226.7 for missed rest and/or meal period breaks, as applied to California employees between July
6 26, 2003, and the present. The deposition will commence on March 5, 2008 at 11:00 a.m., at the
7 law firm of Qualls & Workman, LLP, 244 California Street, Suite 410, San Francisco, CA, upon
8 examination before a notary public duly authorized to administer oaths. Said deposition to
9 continue from day to day until completed, Saturdays, Sundays and holidays excepted. The
10 deposing party intends to record the proceedings by stenographic method, through the instant
11 visual display of the testimony and/or videotape recording.

12 PLEASE TAKE FURTHER NOTICE that pursuant to FRCP Rules 30(b)(2) and 34, in
13 addition to attending, at the time and on the date specified, the deponent will be required to bring
14 and produce at or before said time and place, the documents and things listed below which are in
15 the deponent's possession, custody or control, or are in the possession, custody or control of the
16 deponent's officers, directors, agents, employees or attorneys.

17 INSTRUCTIONS

18 1. This request requires you to produce all documents that are in your actual or
19 constructive possession, custody or control or that are in the possession, custody or control of your
20 attorneys, accountants, representatives, consultants, agents, employees, or anyone else acting on
21 your behalf.

22 2. If any requested document was, but is no longer in your possession, you must
23 specify in writing and serve upon the undersigned a list indicating the identity of such documents.
24 such identification should, for each such document, set forth whether the document (i) has been
25 destroyed, (ii) has been lost, misplaced, or stolen, or (iii) has never been or is no longer, in your
26 possession, custody, or control, in which case the name and address of any person or entity known
27 or believed by you to have possession, custody, or control of that document or category of

1 documents should be identified. In each such instance, explain the circumstances surrounding the
2 disposition and state the date or approximate date of such disposition and the identity of all
3 persons who you believe to have knowledge of such disposition.

4 3. If you withhold any of the requested documents from production under a claim of
5 privilege or other protection, you must serve the undersigned a list of such withheld documents
6 indicating, for each document withheld, the following information: (i) the date composed or date
7 appearing on the document; (ii) the author; (iii) the number of pages; (iv) the number of copies
8 made; (v) the identity of all persons or entities who saw the original document or saw or received a
9 copy of such document, and the job titles of each such person; (vi) the subject matter; and (vii) the
10 basis for the claim of privilege.

11 4. This request requires the production of documents either in the same form or in the
12 same order as they are kept in the usual course of business or organized and labeled to correspond
13 with the particular demands set forth below. If you choose the former method, the documents are
14 to be produced in the boxes, file folders, bindings or other containers in which the documents are
15 found. The titles, labels, or other descriptions on the boxes, file folders, bindings or other
16 containers are to be left intact.

17 **I. DEFINITIONS**

18 Unless specifically indicated otherwise, the following definitions are applicable throughout
19 this notice (including this Definitions section) and are incorporated by reference into each specific
20 request. The definitions are limited, if at all, only to the extent necessary to avoid a nonsensical
21 meaning of any request.

22 A. The terms "YOU", "YOUR", and "YOURS" include the deponent, deponent's
23 predecessors, affiliates, subsidiaries, successors, and assigns, each of their past or present officers,
24 directors, employees, representatives, and agents, and any person acting or purporting to act on
25 behalf of any of the foregoing.

1 B. "ANY" or "EACH" should be understood to include and encompass "ALL"; "OR"
2 should be understood to include and encompass "AND"; and "AND" should be understood to
3 include and encompass "OR".

4 C. The terms "**DOCUMENT**" or "**DOCUMENTS**" shall mean any tangible thing upon
5 which any expression, communication or representation has been recorded by any means including,
6 but not limited to, "**COMPUTER RECORDS**," "**E-MAIL RECORDS**," handwriting, typewriting,
7 printing, photostating, photographing, audiotaping, videotaping, magnetic impulse, or mechanical or
8 electronic recording and any nonidentical copies (whether different from the original because of notes
9 made on such copies, because of indications that said copies were sent to different individuals than
10 were the originals, or because of any other reason), including but not limited to working papers,
11 preliminary, intermediate or final drafts, correspondence, memoranda, charts, notes, scripts, records
12 of any sort of meetings, invoices, financial statements, financial calculations, diaries, reports of
13 telephone or other oral conversations, desk calendars, appointment books, audio or video tape
14 recordings, microfilm, microfiche, computer tape, computer disk, computer printout, computer card,
15 and all other writings and recordings of every kind that are in your actual or constructive possession,
16 custody or control.

17 D. "**COMPUTER RECORDS**" shall mean any tangible thing upon which any
18 expression, communication or representation has been recorded by any means including, but not
19 limited to, network server storage, backup storage, online server storage, microfilm, microfiche,
20 computer tape, computer disk, computer floppy diskette, computer printout, computer card, computer
21 hard drive, computer floppy drive, removable computer drive storage, scanner, computer facsimile,
22 printing, photostating, photographing, video recording, audio recording, magnetic impulse, or other
23 means of electronic recording and any nonidentical copies (whether different from the original
24 because of notes made on such copies, because of indications that said copies were sent to different
25 individuals than were the originals, or because of any other reason), including but not limited to
26 working papers, preliminary, intermediate or final drafts, correspondence, memoranda, charts, notes,
27 scripts, records of any sort of meetings, invoices, financial statements, financial calculations, diaries,
28

1 reports of telephone or other oral conversations, calendars, task schedulers, audio or video recordings,
2 and all other writings and recordings of every kind that are in your actual or constructive possession,
3 custody or control.

4 E. "E-MAIL RECORDS" shall mean any and all tangible thing upon which any
5 expression, communication or representation has been recorded by any means including, but not
6 limited to, any form of electronic mail, Internet online e-mail, any form of interoffice and/or
7 intraoffice network e-mail, printouts of documents from Internet online e-mail or interoffice and
8 intraoffice network e-mail, including any copies which may be stored electronically in any manner
9 including, but not limited to, network server storage, backup storage, online server storage,
10 microfilm, microfiche, computer tape, computer disk, computer floppy diskette, computer printout,
11 computer card, computer hard drive, computer floppy drive, removable computer drive storage,
12 scanner, computer facsimile, printing, photo stating, photographing, video recording, audio recording,
13 magnetic impulse, or other means of electronic recording and any nonidentical copies (whether
14 different from the original because of notes made on such copies, because of indications that said
15 copies were sent to different individuals than were the originals, or because of any other reason),
16 including but not limited to working papers, preliminary, intermediate or final drafts, correspondence,
17 memoranda, charts, notes, scripts, records of any sort of meetings, invoices, financial statements,
18 financial calculations, diaries, reports of telephone or other oral conversations, calendars, task
19 schedulers, audio or video recordings, and all other writings and recordings of every kind that are in
20 your actual or constructive possession, custody or control.

21 F. As used herein, the term "REGARDING" means relating to, referring to, pertaining to,
22 reflecting, substantiating, evidencing, constituting, or in any manner whatsoever logically or
23 factually connected with the matter referenced, whether in whole or in part.

24 **DOCUMENTS REQUESTED TO BE PRODUCED**

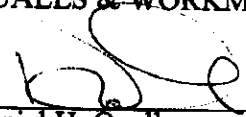
25 The following sets forth the documents to be produced at the above-noticed deposition by
26 the deponent. The deponent should produce all documents responsive to this request within the
27 possession, custody or control of deponent at the deposition.

LIST OF DOCUMENTS

ALL DOCUMENTS REGARDING YOUR practice or policy **REGARDING** payment of compensation prescribed by California Labor Code Section 226.7 for missed rest **AND/OR** meal period breaks as applied to California employees between July 26, 2003 and the present.

Date: February 5, 2008

QUALLS & WORKMAN, L.L.P.


Daniel H. Qualls
Attorney for Plaintiff

PROOF OF SERVICE

I, the undersigned, hereby declare:

I am employed by Legal Support Services in the City and County of Los Angeles, California. I am over the age of eighteen years and not a party to the within action. My business address is 1262 1/2 West Second Street, Los Angeles, California.

On February 5, 2008, I served the following documents:

**NOTICE OF TAKING DEPOSITION OF DEFENDANT ADECCO, PURSUANT TO
FRCP 30(b)(6) REGARDING PAYMENT OF COMPENSATION, AND REQUEST FOR
PRODUCTION OF DOCUMENTS**

on the interested parties in this action by hand delivery at the following address:

Ross A. Boughton, Esq.
Sheppard, Mullin, Richter & Hampton, LLP
333 South Hope Street, 48th Floor
Los Angeles, California 90071

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on February 5, 2008, at Los Angeles, California.

Print Name: F. Duarte

Sign Name: Frank Duarte

EXHIBIT G

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SHAVOTNAE GOLDSBY,

Plaintiff(s),

NO. C- 07-5604 MMC

vs.

**PRETRIAL PREPARATION
ORDER**

ADECCO, INC.,

Defendant(s).

_____/

It is hereby **ORDERED** pursuant to Federal Rules of Civil Procedure and the Local Rules of this Court:

JURY TRIAL DATE: Monday, May 4, 2009 at 9:00 a.m., Courtroom 7, 19th floor.

TRIAL LENGTH is estimated to be 6 to 9 days.

DISCOVERY PLAN: Per Federal Rules of Civil Procedure and Local Rules, subject to any provisions below.

NON-EXPERT DISCOVERY CUTOFF : November 21, 2008.

DESIGNATION OF EXPERTS:

Plaintiff/Defendant: No later than December 12, 2008.

Plaintiff/Defendant: Rebuttal no later than December 26, 2008.

Parties shall conform to Federal Rule of Civil Procedure 26(a)(2).

EXPERT DISCOVERY CUTOFF : January 16, 2009.

DISCOVERY MATTERS are referred to a Magistrate Judge and are to be noticed for hearing before the assigned Magistrate Judge.

DISPOSITIVE MOTIONS shall be filed no later than January 30, 2009, and shall be noticed for hearing 35 days thereafter.

SETTLEMENT CONFERENCE shall be held before Magistrate Judge _____ and scheduled to take place no later than 30 days prior to the Pretrial Conference.

PRETRIAL CONFERENCE DATE: April 21, 2009 at 3:00 p.m.

COUNSEL WHO INTEND TO TRY THE CASE MUST ATTEND THE PRETRIAL CONFERENCE. Counsel shall be prepared to discuss all aspects of the case, including settlement. Pretrial shall conform to the attached instructions.

MEET AND CONFER (Civil L.R. 16-10(b)(5): Lead trial counsel shall meet and confer no later than March 16, 2009.

FURTHER STATUS CONFERENCE: Friday, February 6, 2009 at 10:30 a.m.

FURTHER STATUS CONFERENCE STATEMENT DUE: Friday, January 30, 2009.

ADDITIONAL ORDERS: Case previously referred Private Mediation, by agreement of the parties.

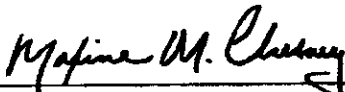
Deadline to file amended pleadings is April 1, 2008.

Briefing Schedule on Plaintiff's Motion for Class Certification:

Plaintiff to file motion by July 7, 2008, Opposition due by August 6, 2008,
Reply due by August 20, 2008, Hearing on Motion: September 5, 2008 at 9:00 a.m..

PLAINTIFF IS ORDERED TO SERVE A COPY OF THIS ORDER ON ANY PARTY SUBSEQUENTLY JOINED IN THIS ACTION.

DATED: February 15, 2008


MAXINE M. CHESNEY
United States District Judge

PRETRIAL INSTRUCTIONS

Counsel SHALL meet and confer in good faith in advance of complying with the following pretrial requirements for the purpose of preparing for the Pretrial Conference and to discuss settlement.

A. TEN COURT DAYS PRIOR TO PRETRIAL CONFERENCE

The following shall be accomplished not later than **ten Court days** prior to the scheduled Pretrial Conference:

1. **PRETRIAL STATEMENT:** The parties shall file a joint pretrial statement which shall set forth:

- (1) The substance of the action;
- (2) The relief claimed, including the particular elements of the damages claimed;
- (3) The factual issues remaining, as well as any stipulations of fact;
- (4) The legal issues, including a concise statement of each disputed point of law concerning liability or relief and citing supporting statutory and case law;
- (5) A current estimate as to the length of the trial;
- (6) The status of the case with respect to alternative dispute resolution.

2. **JURY INSTRUCTIONS:**

a. **Joint Set of Agreed Upon Instructions:** The parties shall jointly prepare a set of **agreed upon** jury instructions, which shall be filed **ten Court days** prior to the Pretrial Conference. Whenever possible, counsel shall deliver to the Courtroom Deputy a copy of their proposed jury instructions, in the same order as their joint submission, on a CD or 3-1/2" floppy disk in WordPerfect format. The disk label shall include the name of the parties, the case number and a description of the documents.

b. **Separate Instructions:** Separate instructions may be submitted only as to those instructions upon which the parties cannot agree. Each separate instruction shall note on its face the identity of the party submitting such instruction.

No later than **ten Court days** prior to the Pretrial Conference, the party or parties objecting to an instruction shall file a written objection to such instruction. The form of the objection shall be as follows:

- (1) Set forth in full the instruction to which the objection is made;
- (2) Provide concise argument and citations to authority explaining why the opposing party's instruction is improper; and
- (3) Set forth in full an alternative instruction, if any.

The separate instructions with objections shall be filed **ten Court days** prior to the Pretrial Conference.

c. **Substance and Format of Instructions:** The instructions shall cover all substantive issues. Proposed instructions shall be consecutively numbered. Each proposed instruction shall be typed in full on a separate page and cover only one subject, to be indicated in the title. Citations to the authorities upon which the instruction is based shall be included. Instructions shall be **brief, clear, written in plain English and free of argument**. Pattern or form instructions shall be revised to address the particular facts and issues of this case.

d. **Preliminary Statement and Instructions:** If the parties wish to have a preliminary statement read to the jury, and/or preliminary instructions given to the jury, they shall jointly prepare and submit to the Court, **one week** prior to trial, the text of the statement and instructions, clearly marked.

e. **Clean Copies:** The parties shall be prepared to submit two clean copies of instructions without citations, titles or attribution on or before the date trial commences.

3. **FINDINGS OF FACT and CONCLUSIONS OF LAW:** In non-jury cases, each party shall serve and lodge with the Court proposed findings of fact and conclusions of law on all material issues. Proposed findings shall be brief, written in plain English and free of pejorative language and argument. Whenever possible, parties shall deliver to the Courtroom Deputy copies of proposed findings of fact and conclusions of law on a CD or 3-1/2" floppy disk in WordPerfect format. The disk label shall include the name of the parties, the case number and a description of the documents.

4. **EXHIBITS:**

a. **Provide Copies of Exhibits to Other Parties:** Each party shall provide every other party with one set of all proposed exhibits, charts, schedules, summaries, diagrams and other similar documentary materials to be used in its case in chief at trial, together with a complete list (**see attached**) of all such proposed exhibits. Voluminous exhibits shall be reduced by

elimination of irrelevant portions or through the use of summaries. Each item shall be pre-marked with an exhibit sticker (see attached), plaintiff's exhibits with numbers, defendant's exhibits with letters or with numbers sequenced to begin after plaintiff's exhibit numbers. If there are numerous exhibits, they should be provided in three-ring binders with marked tab separators. All exhibits which have not been provided as required are subject to exclusion.

b. Stipulations re Admissibility: Prior to the Pretrial Conference, the parties shall make a good faith effort to stipulate exhibits into evidence and be prepared to place their admission on the record at the Pretrial Conference. If stipulation to admission in evidence is not possible, the parties shall make every effort to stipulate to authenticity and foundation absent a legitimate (not tactical) objection.

c. Provide Copies of Exhibits to Court: Three sets of exhibits shall be provided to the Court on the first day of trial. Each set shall be in binders, tabbed and indexed.

d. Disposition of Exhibits After Trial: Upon the conclusion of the trial, each party shall retain its exhibits through the appellate process. It is each party's responsibility to make arrangements with the Clerk of the Court to file the record on appeal.

5. **WITNESSES:**

a. Jury Trials: The Pretrial Conference Statement shall include a list of witnesses likely to be called at trial, other than solely for impeachment or rebuttal, together with a brief statement following each name, describing the testimony to be given. Expert witnesses shall be listed separately. Witnesses not included on the list may be excluded from testifying.

b. Non-Jury Trials: In non-jury cases, each party shall serve and lodge with the Court a written narrative statement of the proposed direct testimony of each witness under that party's control in lieu of a summary. Each statement shall be marked as an exhibit and shall be in a form suitable to be received into evidence.

6. **MOTIONS IN LIMINE**: Motions in limine are limited to motions to exclude specific items of evidence (i.e. specific testimony or exhibits) on a ground and upon such authority as would be sufficient to sustain an objection to such evidence at trial.

Motions in limine shall be filed and served no later than ten Court days prior to the date set for the pretrial conference. Any party opposing such a motion in limine shall file and serve its opposition papers no later than five Court days prior to the pretrial conference. No reply papers will be considered.

B. ONE COURT DAY PRIOR TO PRETRIAL CONFERENCE

The following shall be accomplished not later than one Court day prior to the Pretrial Conference:

1. List of Exhibits With Stipulations and Objections - The parties shall file with the Court a list of all exhibits admitted by stipulation; and a list of all exhibits as to which objections have been made, with a brief notation indicating which party objects and for what reason.
2. Objections to Other Evidence - In addition to exhibit lists, counsel shall confer with respect to any other evidentiary objections in advance of the Pretrial Conference as required by Local Rule. Each party shall file and serve a statement briefly identifying each item objected to, the grounds for the objection and the position of the offering party as stated at the conference.
3. Voir Dire and Verdict Forms - Each party shall serve and file proposed questions for jury voir dire and a proposed form of verdict.

C. OTHER PRETRIAL MATTERS

1. Citations - In all Pretrial Statements, memoranda of points and authorities and jury instructions, citations shall be as follows: (1) all United States Supreme Court citations shall be to both the official reporter and to the West Supreme Court Reporter, (2) all citations to California state courts shall be to both the official reporter and to the West California Reporter, and (3) all citations to the courts of any other state shall be to both the official reporter of that state and to the West Regional Reporter.
2. Settlement Conferences - Any party utilizing another form of Alternative Dispute Resolution who wishes to arrange a settlement conference before a judge or magistrate judge thereafter may do so by contacting the Courtroom Deputy.
3. Copies - Unless otherwise indicated, each document filed or lodged with the Court must be accompanied by a copy for use in the Judge's chambers. In addition, one copy of the witness and exhibit lists should be furnished to the court reporter.
4. Daily Transcripts - If transcripts will be requested during or immediately after trial, arrangements must be made with the court reporter at least one week before trial commences.

Attachments

DATE: _____

EXHIBIT LIST

() Defendant

[illegible]

Case 3:07-cv-05604-MMC Document 18 Filed 02/16/2008 Page 8 of 8

Case No. PLNTF Exhibit No. _____ Date Entered _____ Signature _____	Case No. DEFT Exhibit No. _____ Date Entered _____ Signature _____
Case No. PLNTF Exhibit No. _____ Date Entered _____ Signature _____	Case No. DEFT Exhibit No. _____ Date Entered _____ Signature _____
Case No. PLNTF Exhibit No. _____ Date Entered _____ Signature _____	Case No. DEFT Exhibit No. _____ Date Entered _____ Signature _____
Case No. PLNTF Exhibit No. _____ Date Entered _____ Signature _____	Case No. DEFT Exhibit No. _____ Date Entered _____ Signature _____
Case No. PLNTF Exhibit No. _____ Date Entered _____ Signature _____	Case No. DEFT Exhibit No. _____ Date Entered _____ Signature _____
Case No. PLNTF Exhibit No. _____ Date Entered _____ Signature _____	Case No. DEFT Exhibit No. _____ Date Entered _____ Signature _____
Case No. PLNTF Exhibit No. _____ Date Entered _____ Signature _____	Case No. DEFT Exhibit No. _____ Date Entered _____ Signature _____
Case No. PLNTF Exhibit No. _____ Date Entered _____ Signature _____	Case No. DEFT Exhibit No. _____ Date Entered _____ Signature _____
Case No. PLNTF Exhibit No. _____ Date Entered _____ Signature _____	Case No. DEFT Exhibit No. _____ Date Entered _____ Signature _____
Case No. PLNTF Exhibit No. _____ Date Entered _____ Signature _____	Case No. DEFT Exhibit No. _____ Date Entered _____ Signature _____
Case No. PLNTF Exhibit No. _____ Date Entered _____ Signature _____	Case No. DEFT Exhibit No. _____ Date Entered _____ Signature _____

EXHIBIT H

Daniel H. Qualls

From: Qualls & Workman, LLP [qualls@qualls-workman.com]
Sent: Monday, March 03, 2008 9:14 AM
To: 'Tammy M. Mazzullo'; 'Daniel H. Qualls'
Cc: cherylwork3660@gmail.com
Subject: FW: Deposition
Importance: High


Email from Charles Barker received in general email.

c

From: Charles Barker [mailto:cbarker@sheppardmullin.com]
Sent: Friday, February 29, 2008 5:44 PM
To: qualls@qualls-workman.com
Subject: Deposition

Dan,

I need to discuss moving the date for the deposition of the PMK. Can we talk on Monday?



Right-click here to
download pictures. To
help protect your
privacy, Outlook prevented
automatic download of this
picture from the Internet.

333 South Hope Street
48th Floor
Los Angeles, CA 90071-1448
213.620.1780 office
213.620.1398 fax
www.sheppardmullin.com

Charles Barker
213.617.4168 direct | 213.443.2731 direct fax
cbarker@sheppardmullin.com | Bio

Circular 230 Notice: In accordance with Treasury Regulations we notify you that any tax advice given herein (or in any attachments) is not intended or written to be used, and cannot be used by any taxpayer, for the purpose of (i) avoiding tax penalties or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or in any attachments).

Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

7/3/2008

Daniel H. Qualls

From: Ross Boughton [RBoughton@sheppardmullin.com]
Sent: Tuesday, April 01, 2008 1:33 PM
To: Tammy M. Mazzullo
Cc: Daniel H. Qualls; Charles Barker
Subject: RE: Goldsby v. Adecco PMK Depositions

Tammy and Dan,

There will be a single deponent for the PMK's. We are available on April 30, 2008. Does that work for your office?

-Ross



Right-click here to
download pictures. To
help protect your

333 South Hope Street
48th Floor
Los Angeles, CA 90071-1448
213.620.1780 office
213.620.1398 fax
www.sheppardmullin.com

Ross Boughton
213.617.4261 direct | 213.443.2714 direct fax
RBoughton@sheppardmullin.com | Bio

Circular 230 Notice: In accordance with Treasury Regulations we notify you that any tax advice given herein (or in any attachments) is not intended or written to be used, and cannot be used by any taxpayer, for the purpose of (i) avoiding tax penalties or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or in any attachments).

Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

From: Tammy M. Mazzullo [mailto:tammy@qualls-workman.com]
Sent: Friday, March 28, 2008 10:21 AM
To: Ross Boughton
Cc: 'Daniel H. Qualls'
Subject: Goldsby v. Adecco PMK Depositions

Ross,

I just wanted to follow up with you regarding the PMK depositions. The last week in April is fine. Let me know if April 29th will work for you.

Can you let advise how many witnesses there are so that we may determine if more than one day of examinations will be necessary.

7/3/2008

Thank You.

Tammy

Tammy M. Mazzullo, Legal Assistant

Qualls & Workman, LLP
244 California Street, Suite 410
San Francisco, CA 94111
T: (415) 782-3660
F: (415) 788-1028
tammy@qualls-workman.com
www.qualls-workman.com

THE INFORMATION CONTAINED IN THIS EMAIL IS CONFIDENTIAL AND MAY ALSO CONTAIN PRIVILEGED ATTORNEY-CLIENT INFORMATION OR WORK PRODUCT. THE INFORMATION IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS EMAIL IN ERROR, PLEASE IMMEDIATELY NOTIFY ME BY REPLY EMAIL AND PERMANENTLY DELETE THE ORIGINAL MESSAGE. THANK YOU.

7/3/2008

Daniel H. Qualls

From: Tammy M. Mazzullo [tammy@qualls-workman.com]
Sent: Tuesday, April 01, 2008 1:42 PM
To: 'Ross Boughton'
Cc: 'Daniel H. Qualls'
Subject: RE: Goldsby v. Adecco PMK Depositions

Ross,

This email will confirm that we will depose Adecco's person most knowledgeable on April 30, 2008 at 10:00 a.m., in our offices on the three 30 b(6) deposition notices.

Tammy

Tammy M. Mazzullo, Legal Assistant

Qualls & Workman, LLP
244 California Street, Suite 410
San Francisco, CA 94111
T: (415) 782-3660
F: (415) 788-1028
tammy@qualls-workman.com
www.qualls-workman.com

THE INFORMATION CONTAINED IN THIS EMAIL IS CONFIDENTIAL AND MAY ALSO CONTAIN PRIVILEGED ATTORNEY-CLIENT INFORMATION OR WORK PRODUCT. THE INFORMATION IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS EMAIL IN ERROR, PLEASE IMMEDIATELY NOTIFY ME BY REPLY EMAIL AND PERMANENTLY DELETE THE ORIGINAL MESSAGE. THANK YOU _____

From: Ross Boughton [mailto:RBoughton@sheppardmullin.com]
Sent: Tuesday, April 01, 2008 1:33 PM
To: Tammy M. Mazzullo
Cc: Daniel H. Qualls; Charles Barker
Subject: RE: Goldsby v. Adecco PMK Depositions

Tammy and Dan,

There will be a single deponent for the PMK's. We are available on April 30, 2008. Does that work for your office?

-Ross

7/3/2008



Circular 230 Notice: In accordance with Treasury Regulations we notify you that any tax advice given herein (or in any attachments) is not intended or written to be used, and cannot be used by any taxpayer, for the purpose of (i) avoiding tax penalties or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or in any attachments).

Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

From: Tammy M. Mazzullo [mailto:tammy@qualls-workman.com]

Sent: Friday, March 28, 2008 10:21 AM

To: Ross Boughton

Cc: 'Daniel H. Qualls'

Subject: Goldsby v. Adecco PMK Depositions

Ross,

I just wanted to follow up with you regarding the PMK depositions. The last week in April is fine. Let me know if April 29th will work for you.

Can you let advise how many witnesses there are so that we may determine if more than one day of examinations will be necessary.

Thank You.

Tammy

Tammy M. Mazzullo, Legal Assistant

Qualls & Workman, LLP
244 California Street, Suite 410
San Francisco, CA 94111
T: (415) 782-3660
F: (415) 788-1028
tammy@qualls-workman.com
www.qualls-workman.com

THE INFORMATION CONTAINED IN THIS EMAIL IS CONFIDENTIAL AND MAY ALSO CONTAIN PRIVILEGED ATTORNEY-CLIENT INFORMATION OR WORK PRODUCT. THE INFORMATION IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS EMAIL IN ERROR, PLEASE IMMEDIATELY NOTIFY ME BY REPLY EMAIL AND PERMANENTLY DELETE THE ORIGINAL MESSAGE. THANK YOU

7/3/2008

Daniel H. Qualls

From: Qualls & Workman, LLP [qualls1@qualls-workman.com]
Sent: Thursday, May 08, 2008 11:33 AM
To: 'Daniel H. Qualls'; 'Tammy M. Mazzullo'
Cc: cbarker@sheppardmullin.com; cherylwork3660@gmail.com
Subject: FW: Goldsby

Dan,


Attached is request to change PMK depos.

Cheryl

From: Charles Barker [mailto:cbarker@sheppardmullin.com]
Sent: Thursday, May 08, 2008 11:18 AM
To: qualls@qualls-workman.com
Subject: Goldsby

Dan,

The in-house attorney from Adecco would like to attend the deposition of the PMK and of plaintiff. Is it possible to do the PMK on 5/22 and plaintiff on 5/23?



Right-click here to
download pictures. To
help protect your

333 South Hope Street
48th Floor
Los Angeles, CA 90071-1448
213.620.1780 office
213.620.1398 fax
www.sheppardmullin.com

Charles Barker
213.617.4168 direct | 213.443.2731 direct fax
cbarker@sheppardmullin.com | Bio

Circular 230 Notice: In accordance with Treasury Regulations we notify you that any tax advice given herein (or in any attachments) is not intended or written to be used, and cannot be used by any taxpayer, for the purpose of (i) avoiding tax penalties or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein (or in any attachments).

Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

7/3/2008

Daniel H. Qualls

From: Tammy M. Mazzullo [tammy@qualls-workman.com]
Sent: Wednesday, May 21, 2008 12:41 PM
To: 'Cheryl Porter'
Cc: 'Daniel H. Qualls'
Subject: Adecco PMK Depos

Are now scheduled for June 4th at 10am in our office.

Tammy M. Mazzullo, Legal Assistant

Qualls & Workman, LLP
244 California Street, Suite 410
San Francisco, CA 94111
T: (415) 782-3660
F: (415) 788-1028
tammy@qualls-workman.com
www.qualls-workman.com

THE INFORMATION CONTAINED IN THIS EMAIL IS CONFIDENTIAL AND MAY ALSO CONTAIN PRIVILEGED ATTORNEY-CLIENT INFORMATION OR WORK PRODUCT. THE INFORMATION IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHOM IT IS ADDRESSED. IF YOU ARE NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS EMAIL IN ERROR, PLEASE IMMEDIATELY NOTIFY ME BY REPLY EMAIL AND PERMANENTLY DELETE THE ORIGINAL MESSAGE. THANK YOU.

7/3/2008

EXHIBIT I

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHAVOTNAE GOLDSBY, AND
ALL OTHERS SIMILARLY
SITUATED,

Plaintiff,

vs.

ADECCO, INC, and DOES 1
through 100, inclusive,

Defendants.

Case No. CV-07-5604 MMC

DEPOSITION OF

KIM HANS

---oOo---

JUNE 4, 2008

REPORTED BY: CHERREE P. GAGE, CSR No. 11108, RPR, CRR

KIM HANS

1 A. That it makes the most sense for that
2 particular client site for the client to fill it out
3 because it's not convenient for the associate or it's
4 more convenient for the customer.

5 Q. At any given client site can Exhibit 3 be
6 filled out by either an associate or a client?

7 A. Can it be filled out by either?

8 Q. Yes.

9 A. Yes.

10 Q. I note on Exhibit 3 that it says on the top
11 "submit your hours at http" "time.adecco.com." Do you
12 see that?

13 A. Yes.

14 Q. Is this time card submitted electronically?

15 A. Right. This site pulls up a window where you
16 would input your time.

17 Q. Is it the case that time cards for Adecco
18 employees using Exhibit 3 as a template have been filled
19 out electronically in California? Do you understand my
20 question?

21 A. No. Ask me again.

22 Q. All right. I'll be happy to do that. And I
23 encourage you to tell me when you don't understand my
24 question today and I'll do my best to rephrase it.

25 A. Okay.

1 Q. When Adecco employees fill out time cards, do
2 they do so online?

3 A. They can do so online.

4 Q. Is there any other way they can fill out time
5 cards?

6 A. We also have a telephone system that they can
7 input their time through.

8 Q. Any other way?

9 A. They can turn in a time card to our office,
10 they can use a punch clock or electronic timekeeping
11 system at the customer site.

12 Q. Any other way?

13 A. I can't think of anything.

14 Q. What percentage of time cards are filled out
15 online?

16 A. I don't know the exact answer to that.

17 Q. Can you give me an estimation?

18 A. I would not be able to give you an estimation.
19 We would have to do some research to find out.

20 Q. Are most time cards filled out online?

21 A. I wouldn't say most, no. It really varies.

22 Q. How long are time cards filled out online
23 kept?

24 A. I don't know the exact answer to that, but we
25 can find out for you.

1 Q. If you wanted to know the answer to that, who
2 would you ask?

3 A. Our legal department or our operations
4 department at corporate. We have standard records and
5 retention policy that we follow.

6 Q. Do you know where time cards filled out online
7 are kept?

8 A. No. They're kept in our system, but from a
9 field level I don't know where they're kept.

10 Q. If someone wished to look at a time card of an
11 employee, would they be able to do so online?

12 A. Yes.

13 Q. So they can be retrieved online?

14 A. The data that they input into the system can
15 be retrieved online.

16 Q. If one were to retrieve such data, would it be
17 displayed on a template that looks like Exhibit 3?

18 A. It's similar to Exhibit 3. It shows their
19 total time.

20 Q. Does it show meal periods?

21 A. No.

22 Q. Is meal period data as set forth on Exhibit 3
23 retained by Adecco?

24 A. We retain the time cards.

25 Q. Are the time cards that are filled out online

1 individual employees?

2 A. Yes.

3 Q. If you wanted to know if an employee received
4 a meal period, are you able to retrieve data in the
5 system to answer the question of whether the employee
6 did receive a meal period?

7 MR. BARKER: Objection. Vague. What do you
8 mean by "system"?

9 MR. QUALLS: Fair enough. I listen to
10 objections. If they're vague I rephrase my questions.

11 Q. What system is used to input time cards? Does
12 it have a name?

13 A. The time capture tool. It's called our
14 individual web time card.

15 Q. Are you able to go onto the individual web
16 time card and retrieve time card information to
17 determine if an individual employee received a meal
18 period?

19 A. It doesn't specifically identify the meal
20 period. It identifies the total hours.

21 Q. Is there any data, to your knowledge, on the
22 individual web time card that enables one to determine
23 if an employee received a meal period?

24 A. Not on the individual web time card.

25 Q. Is there any system that enables one to

1 determine for employees who fill out time cards using
2 Exhibit 3 whether an employee received a meal period?

3 A. No.

4 Q. So if you wanted to know if an individual
5 employee received a meal period for a given week worked
6 or a given day worked, there's no system that you're
7 aware of that would enable you to retrieve data to
8 determine whether the employee received a meal period?

9 A. No.

10 MR. QUALLS: Could you read back my question,
11 please.

12 (Whereupon the record was read as requested.)

13 Q. BY MR. QUALLS: To your knowledge has any such
14 system existed at Adecco since -- for the period from
15 July 2003 to the present?

16 A. No. There's no system.

17 Q. Is there any means to your knowledge by which
18 you are able to retrieve employee data to determine if
19 an employee received a meal period?

20 A. We could view the time card.

21 Q. Let's stop right there. How do you go about
22 viewing a time card? And again, I'm asking questions
23 regarding employees who use Exhibit 3. All right?

24 A. Right. The time cards that are turned in to
25 our office, we can access those. We can ask an

1 associate to see their time card. And customers in some
2 cases have copies of the time cards and we can ask them
3 to see the time card.

4 MR. QUALLS: Could you read back that response
5 for me, please.

6 (Whereupon the record was read as requested.)

7 Q. BY MR. QUALLS: Do employees who use Exhibit 3
8 for their time cards also submit hard copy time cards?

9 A. Sometimes.

10 Q. And some employees don't do so; is that
11 correct?

12 A. Right.

13 Q. For employees who submit Exhibit 3 as their
14 time card electronically, are those employees also
15 required to submit a hard copy time card?

16 A. They're not required to.

17 Q. For employees who submit Exhibit 3
18 electronically, are customers also required to maintain
19 a time card for that employee?

20 A. We'd like them to. They're not required to.

21 Q. Have you ever tried to retrieve meal period
22 information for an employee who has submitted a time
23 card such as Exhibit 3?

24 A. I have not.

25 Q. Have you ever directed anyone to do so?

1 A. I would say no.

2 Q. All right. Perhaps I'm confused. Let me ask
3 you this question. Let's turn our attention to Exhibit
4 3, again. All right?

5 A. Yes.

6 Q. This is a hard copy of what you would see if
7 you -- if an employee enters their time electronically.

8 A. Yes.

9 Q. A screen?

10 MR. BARKER: What is? I'm sorry?

11 MR. QUALLS: Exhibit 3.

12 MR. BARKER: You're saying does the screen
13 show all of this same --

14 MR. QUALLS: Yes.

15 MR. BARKER: Exactly the same as Exhibit 3?

16 MR. QUALLS: Yes.

17 THE WITNESS: No.

18 Q. BY MR. QUALLS: All right. The screen entry
19 format is different; is that right?

20 A. Yes.

21 Q. All right. The format for entry of time card
22 information electronically provides for entry of
23 information regarding meal periods; is that correct?

24 A. Ask me again.

25 Q. The format for entry of data electronically,

1 time card data electronically, provides for entry of
2 meal period data, correct?

3 A. The format for the electronic time card asks
4 for total hours. So your meal period would be captured
5 in your total hours, but it doesn't outline the meal
6 period.

7 Q. How would the meal period data be captured?

8 A. On the paper time card.

9 Q. Only on the paper time card; is that correct?

10 A. That's right.

11 Q. So if you were an employee and you are
12 entering your time card electronically, you are not
13 entering information regarding meal periods; is that
14 correct?

15 A. You are entering it as it's captured in our
16 total hours, but it's not broken down by meal period.

17 Q. All right. How is it captured in our total
18 hours?

19 A. Because you'll use this time card and you'll
20 put the -- what time you start, the time you log out for
21 lunch, what time you clock back in from your meal break,
22 the time you stop and your total. The time capture
23 system asks for your daily totals.

24 Q. So if you're using the time capture system to
25 enter your time card information --

1 A. Yes.

2 Q. -- you enter the time your shift begins; is
3 that correct?

4 A. No. You enter your daily total.

5 Q. All right. You enter a daily total of hours
6 worked; is that right?

7 A. Correct.

8 Q. So you would enter, for example, eight hours?

9 A. Exactly.

10 Q. All right. What other data do you enter other
11 than your total hours worked?

12 A. Your assignment number and your -- I think
13 it's the last four digits of your Social Security
14 number.

15 Q. Anything else?

16 A. I don't believe so.

17 Q. Is any data entered regarding meal periods
18 taken?

19 A. Only as part of the summary of the total hours
20 that you're indicating on a daily basis.

21 Q. Does the summary depict the fact that a meal
22 period was taken or not?

23 A. Well, it's assumed that a meal period is
24 taken.

25 Q. My question is more specific than that. Does

1 system to record a time card, is any record kept by
2 Adecco of a meal period?

3 A. No.

4 Q. Are you aware of any requirement under
5 California law that requires an employer to maintain
6 records of meal periods taken by employees?

7 MR. BARKER: I'm going to object to the extent
8 it calls for a legal conclusion. She's not here as a
9 lawyer, not testifying as a PMK on legal requirements.

10 Q. BY MR. QUALLS: You can answer, ma'am.

11 A. I read something to that effect in the wage
12 order.

13 Q. When did you first become aware of that?

14 A. Of the wage order? That specific piece of it?

15 Q. When did you first become aware of a
16 requirement under California law that an employer
17 maintain a record of a meal period taken by a California
18 employee?

19 A. I don't recall.

20 Q. Was it this year?

21 A. I -- I think I was made aware of it several
22 years ago and then I reviewed again recently.

23 Q. When you first became aware of it, did you
24 take any steps to ensure that Adecco maintained records
25 of meal periods for California employees?

1 A. Yes. Because we do ask our associates to fill
2 out the paper time card if that's the time capture
3 method that's being used.

4 Q. Did you --

5 A. And we ask them to turn the time cards in to
6 us.

7 Q. Did you take any other steps?

8 A. No.

9 Q. When an employee uses the time capture system
10 to enter time card information, does the employee enter
11 the time worked began and the time worked ended in a
12 given day?

13 A. No.

14 Q. Does the employee enter the number of hours
15 worked on a given day?

16 A. Yes.

17 MR. QUALLS: Off the record.

18 (Discussion off the record.)

19 Q. BY MR. QUALLS: Turning your attention again
20 to Exhibit 3 on the top.

21 A. Yep.

22 Q. There's a reference to "Call in your hours to
23 ATS"?

24 A. Automated time sheet I think is what that
25 stands for.

1 Q. What percentage of employees use ATS to submit
2 a time sheet?

3 A. I don't know.

4 Q. Are you able to estimate the percentage?

5 A. I'm not. It really would depend.

6 Q. Do most employees use ATS?

7 A. No.

8 Q. How long has the ATS system been used by
9 Adecco?

10 A. I don't know.

11 Q. What is your best estimate of when Adecco
12 began using the ATS system?

13 A. About four, five years ago. I don't know.
14 Someone would have to verify that.

15 Q. Are there any written instructions provided
16 employees on the subject of how to use the ATS system?

17 A. No. I believe it's self-explanatory. It
18 walks them through. It's an automated system.

19 Q. Does the ATS system capture meal period
20 information?

21 A. I don't believe so.

22 Q. What information does the ATS system capture?

23 A. I believe it's the same as the web time where
24 it captures daily hours.

25 Q. Are employees who use the ATS system required

1 to also prepare a hard copy of their time?

2 A. Ideally we'd like them to do that.

3 Q. My question is are they required to do so?

4 A. In some cases we ask them to. As far as
5 required, there are no consequences if they don't.

6 Q. Are they told they must?

7 A. Yes.

8 Q. So all employees that use the ATS system are
9 told they also must keep a hard copy of a time card?

10 A. Yes.

11 Q. So employees who use the ATS system both use
12 the ATS system and fill out a paper time card; is that
13 right?

14 A. They're supposed to.

15 Q. Is there any monitoring system in place to
16 determine which employees who use the ATS system do not
17 fill out a paper time card?

18 A. Not that I'm aware of.

19 Q. Is there any enforcement of the requirement
20 that employees who use the ATS system also fill out a
21 paper time card?

22 A. Not as a general practice.

23 Q. To your knowledge does Adecco have any way of
24 knowing which employees -- withdraw the question.

25 Are clients required to keep a record of meal

1 periods for employees who use the ATS system?

2 A. Our clients, we also ask our clients to sign
3 the time card and to keep a copy of the time card.

4 Q. My question is more specific than that. Are
5 clients --

6 A. Our clients are not aware of whether our
7 associates are using the ATS system or using the web
8 time. So I guess the answer would be no.

9 Q. All right.

10 A. Because that's out of their scope how the time
11 is being submitted from the associate.

12 Q. Does the ATS system record when a daily work
13 shift begins?

14 A. No. We discussed that. Just the hours.

15 Q. Does the ATS system capture the same
16 information that's captured using the online system?

17 A. I believe so.

18 Q. Does it capture any other information?

19 A. Not that I'm aware.

20 Q. So the systems for purposes of capturing data
21 duplicate each other, correct?

22 A. Right. Two different methods.

23 Q. Are reports prepared regarding data entered on
24 the ATS system?

25 MR. BARKER: The question is vague and

1 Q. How long are ATS records kept?

2 A. I don't know.

3 Q. If you wanted to know the answer to that
4 question, who would you ask?

5 A. I would ask our operations department or our
6 IT department.

7 Q. Do you know where ATS records are kept?

8 A. No. Not specifically.

9 Q. For employees who use the ATS system but do
10 not submit a paper time card to Adecco, is a record kept
11 by Adecco of meal periods?

12 A. No.

13 Q. Some Adecco employees use paper time cards; is
14 that correct?

15 A. Yes.

16 Q. The paper time card is in fact Exhibit 3; is
17 that correct?

18 A. Exactly.

19 Q. And Exhibit 3 -- withdraw the question.

20 To whom do Adecco employees using Exhibit 3
21 submit their time cards?

22 A. It depends. They could submit it to the
23 branch or they could fax it to the branch or if they
24 work at a client where Adecco has a presence, they could
25 turn it in to the on-site person at the client. They

1 could leave it in some kind of box that someone from
2 Adecco comes by and picks up. There's a million
3 different options.

4 Q. Once a time card such as Exhibit 3 has been
5 submitted by an employee, where does the time card go?

6 A. To -- either to our Adecco office or to a
7 location where there's someone that does the inputting
8 of the time.

9 Q. So time card data input is done either at the
10 Adecco office or some other site where that function is
11 performed, correct?

12 A. Unless the associate did their own data input
13 through the web time or the ATS system.

14 Q. Understood. Now, for purposes of my
15 questioning now I'm going to be asking questions
16 regarding those employees who only submit a paper time
17 card. All right?

18 A. Okay.

19 Q. When data is input for a paper time card at an
20 Adecco office, what data is input?

21 A. The total daily hours.

22 Q. Any other data?

23 A. No.

24 Q. Once the data is inputted, what is done with
25 the paper time card?

1 MR. BARKER: You mean other than the time card
2 itself or are you talking about on the inputted stuff?

3 MR. QUALLS: Yes.

4 MR. BARKER: Which are you talking about?

5 MR. QUALLS: All right. I'll rephrase.

6 Q. When time card data is input other than the
7 time card itself, is any other record created regarding
8 meal period data?

9 A. No.

10 MR. BARKER: You want a break?

11 THE WITNESS: Does anybody feel like taking a
12 break?

13 MR. QUALLS: You can take a break anytime you
14 wish.

15 (Whereupon a break was taken from 11:18 to
16 11:39.)

17 Q. BY MR. QUALLS: All right. Back on the
18 record. Turning your attention again to Exhibit 3.

19 A. Okay.

20 Q. The second page, the back page.

21 A. Yes.

22 Q. Under the section for associate, do you see
23 that?

24 A. Yes.

25 Q. This section informs the associate what steps

1 their payroll check?

2 A. It should be.

3 MR. QUALLS: Can you read back the last answer
4 please, or the one before the last answer.

5 (Whereupon the record was read as requested.)

6 Q. BY MR. QUALLS: What is a time capture tool?

7 A. A time clock. There's a couple different
8 methods available. There's time clock, there's systems
9 where you can input your time into a third party tool,
10 there's electronic time clocks or manual time clocks.

11 Q. Are the time capture tools tools of the
12 client?

13 A. The time clocks are either provided by Adecco
14 or they could be the clients'. There's a combination.

15 Q. What percentage of employees use time clocks?

16 A. I wouldn't be able to answer that.

17 Q. Are you able to estimate?

18 A. I don't know, honestly. It depends. It
19 really varies branch to branch and market to market.

20 Q. Would it be more than half at any given time?

21 A. It could be.

22 Q. Do you know?

23 A. I don't. It depends on the -- you know, when.
24 And some years we might have more customers that have
25 clocks that utilize clocks and some years less.

1 Q. Any other way?

2 A. I can't think of anything.

3 Q. When a hard copy time card is used, how are
4 those time cards submitted by the employees to Adecco?

5 A. You're referring to the punch clock time?

6 Q. Yes.

7 A. Through a variety of ways. Adecco could come
8 by the client's site and take copies of the time cards.
9 The customer could fax them to our office.

10 Q. At some point those time cards arrive at
11 Adecco data input center; is that correct?

12 A. Right. Or the branch, they data input
13 themselves.

14 Q. Do the punch cards contain meal period data?

15 A. It would show the times they clocked in and
16 clocked out, so yes.

17 Q. Does the punch card data -- withdraw the
18 question.

19 Is the punch card data inputted into any
20 system once it is -- once it has arrived at an Adecco
21 branch?

22 A. We would input through the time.adecco.com.

23 Q. Same system you described earlier?

24 A. Yes.

25 Q. Does that inputting of data include input of

1 data for meal breaks?

2 A. No. That time.adecco.com does not change
3 based on what you're inputting. It asks you for the
4 same information, which is daily hours.

5 Q. Is swipe card data input into the system?

6 A. In some cases it is. In some cases it's a
7 direct upload.

8 Q. Direct upload into the system?

9 A. Into the Adecco system.

10 Q. Is it the same system?

11 A. I don't know the answer. I think so. We'd
12 have to check with our IT guys.

13 Q. When that input or upload takes place, is meal
14 data uploaded or inputted?

15 A. In some cases it is.

16 Q. In what cases is it?

17 A. It depends on the clocks. Some clocks upload
18 all of the information, some clocks upload total hours.

19 Q. When you say "clocks," what do you mean?

20 A. Some time capture systems.

21 Q. You've described thus far a time capture
22 system that does not capture meal data, correct?

23 MR. BARKER: Say that again.

24 Q. BY MR. QUALLS: You have described thus far a
25 time capture system that does not capture meal data.

1 A. What's it called? What are we talking about?

2 Q. All right. That's fine. I'll restate it. At
3 some point in processing time cards data is input into a
4 time capture system.

5 A. In processing time cards?

6 Q. Yes. And you've testified thus far that in
7 that process meal data is not input, correct?

8 A. From the time card to the time.adecco.com meal
9 times are not identified.

10 Q. Are there other systems that capture employee
11 time -- withdraw the question.

12 Are there other systems into which employee
13 time is input other than time.adecco.com?

14 A. What we talked about a few minutes ago that
15 are some time capture systems have direct upload to
16 Adecco. I can't tell you if it goes into
17 time.adecco.com. I don't know where it up loads. We
18 would have to verify that with our IT department.

19 MR. QUALLS: Could you read back the response,
20 please.

21 THE WITNESS: I don't know if I answered the
22 right question.

23 MR. QUALLS: I think I understand you.

24 (Whereupon the record was read as requested.)

25 Q. BY MR. QUALLS: What time capture systems

1 direct upload just because of the sophistication of the
2 tool.

3 Q. Do you know if in that process meal period
4 data is captured in the --

5 A. I don't know.

6 Q. -- time capture system? Where employee time
7 records are captured by time clocks provided by clients,
8 is there a time capture system that captures that data?

9 A. I think --

10 MR. BARKER: The question's vague.

11 THE WITNESS: I think it would depend on the
12 system. There's always going to be a variety of
13 different ways of capturing because it depends on the
14 tools. So it could be that it does a direct upload,
15 that would be ideal --

16 MR. BARKER: That's not what he asked you.

17 THE WITNESS: Sorry. Okay. Start over. Tell
18 me the question again.

19 MR. QUALLS: Sure. Would you read back the
20 question, please.

21 (Whereupon the record was read as requested.)

22 THE WITNESS: I don't know.

23 Q. BY MR. QUALLS: Do you know how employee time
24 -- does the time -- withdraw the question.

25 Do time capture systems capture information

1 regarding hours worked for purposes of payroll?

2 A. Yes.

3 Q. How are hours worked captured for payroll
4 where employees use time clocks provided by clients?

5 A. It could be a variety of ways. Ideally would
6 be a direct upload from their system to ours. It could
7 be that it prints out a report. It depends on the
8 capability of the time capture system and its
9 compatibility to our system.

10 Q. When you say it prints out a report, do you
11 mean the clients supply time clock printout reports?

12 A. Yes.

13 Q. Is the report then -- withdraw the question.
14 Is the data on that report then inputted into
15 a time capture system by Adecco?

16 A. Yes.

17 Q. What system is it inputted into?

18 A. At time.adecco.com.

19 Q. Is there a way to determine what employees use
20 the ACT system to input their time records?

21 MR. BARKER: The ATS?

22 MR. QUALLS: Did I say --

23 MR. BARKER: Did you mean ATS?

24 MR. QUALLS: Yes.

25 THE WITNESS: Is there a way to determine --